

**CONDITIONS OF APPROVAL**  
**(As modified by the South Valley Area Planning Commission on April 22, 2021)**

This Project approval is subject to the following Conditions of Approval imposed to ensure compliance with the Warner Center 2035 Plan and is based upon the attached Findings. **In addition, the applicant shall comply with any requirements of the Department of Building and Safety (B&S), Department of Transportation (DOT), Bureau of Engineering (BOE), Urban Forestry Division of the Bureau of the Street Services (BSS), Bureau of Street Lighting (BSL), and the Department of Recreation and Parks (RAP).**

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the site plan, floor plans, elevations, landscape plans, sign plans, renderings, and other materials submitted by the Applicant, labeled Project Plans "Exhibit A" and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Project Planning, 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 Municipal Code, the project conditions, or the project permit authorization. Prior to the issuance of any building permit, except for demolition, excavation, or foundation permits for any component of this Project, detailed plans showing that component's compliance with these conditions shall be submitted for review, to the satisfaction of the Director of Planning, unless otherwise specified.

**Warner Center 2035 Specific Plan Conditions**

2. **Uses.** In compliance with Section 6.1.2.6.1 and Appendix A of the Specific Plan, uses on the Project site shall be restricted to those permitted in the River District of the Specific Plan. The Project includes multiple residential dwelling units and Work-Live Units, as permitted in Appendix A. The Project's Work-Live units are recognized as a Residential use per Section 3 of the Specific Plan. However, for the purposes of calculating floor area, the Project is credited 50% of the Work-Live unit space as Non-Residential floor area, as per Footnote 5 of Appendix B of the Specific Plan. Thus, the project is approved for a total of 161,549 square feet of Residential Floor Area and 5,446 square feet of Non-Residential Floor Area. Any use defined by Appendix A as requiring a Conditional Use Permit shall be considered under a separate application to the Department of City Planning and is not approved as part of this Project Permit Compliance Review.
3. **Intensity.** The project is approved for a FAR of 4.06:1.
4. **Height.** The project is approved for a height of approximately 85 feet. Additionally, the project shall have a street wall height of a minimum of 25 feet vertically along Vanowen Street.
5. **Street Standards – Improvements and Dedications.** Vanowen Street is designated as a Major Highway Class II and shall be in compliance with Table 2, which requires on the north side of the east/west section a 52-foot half right-of-way, a 40-foot half roadway, an eight-foot sidewalk, eight-foot parkway, and a four-foot easement. Alabama Avenue is designated as a Local Street and is not noted on Tables 1 of 2 of the Specific Plan. As directed by the Bureau of Engineering, the Project shall comply with the dedications and improvements for street standards on Tables 1 and 2 of the

Specific Plan as follows: **(DOT/BOE/DCP)**

**a. Dedications.**

- i. *Vanowen Street*: A 9-foot wide strip of land along the property frontage to complete a 52-foot half right-of-way in accordance with Warner Center Specific Plan 2035 and a 20-foot radius property line return at the intersection with Alabama Avenue. In addition, provide a 4-foot sidewalk easement along the property frontage. **(BOE)**
- ii. *Alabama Avenue*: None. **(BOE)**

**b. Improvements**

- i. *Vanowen Street*: Construct additional surfacing to join the existing improvements to provide a 40-foot half roadway, including asphalt pavement, integral concrete curb, 2-foot gutter and an 8-foot wide concrete sidewalk adjacent to the easement line in a 16-foot border in accordance to Warner Center Specific Plan 2035. Construct an access ramp at the intersection with Alabama Avenue to comply with ADA requirements. These improvements should suitably transition to join the existing improvements. **(BOE)**
- ii. *Alabama Avenue*: Reconstruct the concrete sidewalk to provide a 12-foot wide concrete sidewalk along the property frontage. Repair all broken and off-grade concrete curb and gutter. Upgrade all driveways to comply with ADA requirements or close unused driveways. **(BOE)**
- iii. Street Trees:
  - 1. The Project shall preserve to the greatest extent possible all existing Street Trees if the curb is not being relocated. In the event that the street trees cannot be preserved, install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. Some tree removal in conjunction with the street improvement project may require Board of Public Works approval. The applicant should contact the Urban Forestry Division for further information (213) 847-3077. The Project proposes the removal of three street trees and the preservation of one. **(BSS)**
  - 2. Trees: That Board of Public Works approval shall be obtained, prior to the issuance of the Certificate of Occupancy of the development project, for the removal of any tree in the existing or proposed public right-of-way. The Bureau of Street Services, Urban Forestry Division is the lead agency for obtaining Board of Public Works approval for the removal of such trees. **(BSS)**
  - 3. Pursuant to the Specific Plan Section 6.2.6.2.8 and Appendix F, Section 3, Guideline A.7, any new street trees along Vanowen Street and Alabama Avenue shall be of the species indicated on Figure 8 in the Specific Plan. The Project shall plant a row of *Tabebuia impetiginosa* (Pink Trumpet Tree)

and/or *Quercus ilex* (Holly Oak) within the parkway along Vanowen Street, in compliance with the street tree requirements in Figure 8 of the Specific Plan. Species of street trees along Alabama Avenue shall be decided upon by the Urban Forestry Division. **(BSS/DCP)**

4. Replacement. All street trees shall be replaced at a ratio of 2:1. The Project proposes 11 new street trees. Replacement trees on Vanowen Street are to be taken from Figure 8 of the Specific Plan. The street tree replacement is subject to further review and approval from the Division of Urban Forestry, which may supersede this condition. A copy of the Tree Removal Permit from the Division of Urban Forestry shall be submitted to the subject case file prior to final signoff. Final landscape plans shall show these required replacement trees. **(BSS/DCP)**
  5. Permit Issuance. Prior to issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way. Should the applicant need the removal or planting of any tree in the public right-of-way, approval is required from the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works. **(BSS)**
  6. Bonding (Tree Survival). The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of the street trees required to be maintained, replaced, or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new street tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's street tree bond may be exonerated. **(BSS)**
  7. The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the street trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years. **(BSS)**
- iv. Notes: Street lighting and streetlights relocation will be required satisfactory to the Bureau of Street Lighting (213) 847-1551. **(BSL)**
  - v. Additional Requirements. Department of Transportation may have additional requirements for dedication and improvements. See BOE Report dated July 19, 2018 for additional instructions regarding other improvements requested. **(DOT)**
  - vi. Refer to the Department of Transportation regarding traffic signals, signs and equipment (818) 374-4699. **(DOT)**

- vii. Refer to the Department of Water and Power regarding power pole (213) 367-2715. **(DWP)**
- viii. Refer to the Fire Department regarding fire hydrants (818) 374-5005. **(LAFD)**
- ix. No major drainage problems are involved. **(BOS)**
- x. Sewer lines exist in Vanowen Street. Extension of the 6-inch house connection laterals to the new property line may be required. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit. **(BOS)**
- xi. The Bureau of Sanitation may need to investigate the existing public sewers for sufficient capacity to facilitate the proposed development. Submit a request to the Public Counter of the Valley District Office of the Bureau of Engineering (818) 374-5090. **(BOE/BOS)**

## **6. Active Street Frontage.**

- a. The Project shall be permitted parking on the ground floor so long as at least eighty percent (80%) of the ground floor frontage on any side of the above-grade parking structure, which is adjacent to a public street (except an alley) or adjacent to a public open space/plaza, includes ground floor non-residential use subject to the provisions herein.
- b. The Project along Vanowen Street shall be limited to Non-Residential uses to a depth of 25 feet from the building frontage along the street and at least 75 percent of the building facade located between 30 inches and 84 inches from the ground floor devoted to transparent windows and/or doors. Dark tinted reflective or opaque glazing shall not be counted towards the minimum percentage.
- c. The Project along Vanowen Street, moving east along the property starting from the southwestern most part of the building, shall have floor-to-floor heights as measured from the ground as follows: for the first approximately 105 feet and four inches, the Project shall have a minimum floor-to-floor height of 12 feet and six inches; for the next approximately 133 feet and four inches of the property to the east, the Project shall have a minimum floor-to-floor height of 13 feet and six inches; for the last approximately 71 feet and six inches of the property to the east, the Project shall have a minimum floor-to-floor height of 14 feet.
- d. The ground floor interior shall maintain the floor-to-floor height at the levels indicated in this section by not incorporating improvements that create a false ceiling.
- e. The Project shall maintain a 15-foot high regulating line in place of a 15-foot floor-to-floor height as measured from the Ground Floor upwards, using materials and design in substantial conformance with that proposed in "Exhibit A."
- f. Permitted Residential uses in the Ground Floor shall be limited to Work-Live Units professional offices or residential common spaces and shall be designed to include wall openings comprised of a minimum of fifty percent (50%) of the street level Building Facade located between 30 inches and 84 inches from the ground floor.

- g. Ground floor Work-Live units oriented to Vanowen Street shall be accessed individually and directly from Vanowen Street with individual front stoops or porches.
- h. Fence and wall heights along Vanowen Street shall not exceed 42 inches, as measured from the highest adjacent grade. Fences and walls shall include latticework, ornamental fences, screen walls, hedges or thick growth of shrubs or trees.
- i. The project shall have a primary entrance for the building located on a public street that is connected and visible from the street.

**7. Front Setbacks.** The Project shall have a front setback on Vanowen Street of not less than 12 feet and no more than 15 feet.

**8. Publicly Accessible Open Space (PAOS).** The Project shall provide a minimum of 6,170 square feet of PAOS that is:

- a. contiguous, remaining unfenced and ungated;
- b. integrated into the overall design of the Project;
- c. integrated with neighboring buildings or structures and any existing, or approved, PAOS, if applicable;
- d. maintained in good condition;
- e. open to the public, at minimum, from 6:00 a.m. to 10:00 p.m., seven days a week. There shall be at least two signs stating the hours of operation of the PAOS, including in the focal point unobstructed from public view. PAOS identification signage shall indicate that the PAOS is available for use by the public from, at minimum, 6 a.m. to 10 p.m., seven days a week. Supporting documentation of signage and placement shall be submitted to the subject case file prior to final signoff and to be kept with the file for this case. This identification signage shall not be counted against a Project's signage limitation;
- f. based on 6,732 square feet of PAOS provided, containing a minimum of 6,059 square feet of PAOS that is open to the sky, excluding shade structures and other features or elements that are not calculated as Floor Area;
- g. containing a minimum of 50 percent of PAOS that is landscaped (3,366 square feet);
- h. containing a minimum of 14 seats in the PAOS that is a ratio of no less than one seat per 500 square feet of the provided PAOS. Seating shall include but not be limited to chairs, benches, and planters. Seating shall be permanent or moveable. For benches, two linear feet of bench or seat-wall shall equal one seat;
- i. seating placed with consideration to noontime sun and shade;
- j. including of a focal point or gathering space of 1,099 square feet near the main entrance at the southwest portion of the property;

- k. inclusive of required setbacks along a public way;
- l. excludes the following uses: surface parking areas, open storage areas, private open space areas not accessible to the general public, swimming pools and spas unless open to the general public, loading docks and parking, driveway entrance/exit areas, sidewalks and parkways in the public right-of-way as of the date of the adoption of the Plan, and detached utility areas/pads;
- m. includes a mix of passive and active recreational facilities designed to serve residents, employees, and visitors to Warner Center. PAOS shall include amenities for all ages such as one or more tot lots, community gardens, or other physical activity facilities to integrate shared spaces designed for gathering year-round; and
- n. prior to the issuance of any building permit, the applicant shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department binding the land for the Project and all successors. It shall include a detailed, dimensioned site plan and landscape plan demonstrating the required and provided PAOS areas and a comprehensive summary table showing compliance with the regulations contained in the applicable PAOS conditions herein. It should include information regarding the ongoing maintenance and operation of the open space areas and on-going public access through easement. A copy of the Covenant and Agreement shall be submitted to the case file prior to final signoff and kept with the file for this case.

**9. Park Fees and Land Dedication.** As applicable, the applicant shall provide documentation that LAMC Section 12.33 Park Fees and Land Dedication requirements were satisfactorily arranged with the Department of Recreation and Parks.

Note: Effective January 11, 2017, RAP is responsible for calculating the required park fees owed by each residential development project, pursuant to Los Angeles Municipal Code (LAMC) 12.33, and issuing the fee calculation letters to applicants. RAP will also be responsible for calculating the required fees for vested projects that are not subject to a park fee pursuant to LAMC 12.33 but were subject to the Recreation and Park Fee provisions that were effective prior to January 11, 2017 (Quimby Fee). The Quimby Fee is calculated on a per dwelling unit basis with the per unit fee determined by the zone in which the dwelling unit is located. **(RAP)**

**10. Automobile Parking**

- a. **Residential Parking.** For the Project's Residential use, the Project is approved to provide 249 Residential spaces, including 122 standard-sized spaces, 84 compact-sized spaces, 36 tandem-sized spaces, and no less than seven ADA-accessible spaces. Sizes of spaces are to follow the Los Angeles Municipal Code requirements. If modified, the Project shall provide no fewer than 193 Residential parking spaces and shall not exceed 386 Residential parking spaces total for the development. These spaces shall be counted separately from Non-Residential spaces.
- b. **Non-Residential Parking.** The Project's Work-Live units are recognized as a Residential use per Section 3 of the Specific Plan. However, for the purposes of

calculating floor area, the Project is credited 50% of the Work-Live unit space as Non-Residential floor area, as per Footnote 5 of Appendix B of the Specific Plan. As such, there is no official Non-Residential use for which to calculate parking at the time of issuance of this Letter of Determination. If at a point in the future the “work” portion of the Work-Live units were to be granted a new Certificate of Occupancy for a use other than Residential, that portion of the unit dedicated to the Non-Residential uses shall be required to provide parking in the amounts required per the Specific Plan regulation in effect at such time. Sizes of spaces shall follow the Los Angeles Municipal Code requirements at the time of the issuance of the new Certificate of Occupancy. These spaces shall be counted separately from the Residential spaces.

- c. **Alternative-Fuel Vehicle Parking.** The Project shall provide EV Parking spaces that can be counted concurrently with the total number of parking spaces provided on site for Residential and Non-Residential so as long as they do not exceed 10% of the maximum number of all parking spaces allowed on the site.
- d. **Disabled Parking.** The accessible spaces associated with the Residential and Non-Residential uses shall not be calculated into the Project’s total parking count if the amount of spaces being provided equals the maximum amount of parking allowed for the Project.
- e. **Setback Parking.** The project shall not include surface parking in the setbacks.

#### 11. Bicycle Parking.

- a. **Residential Bicycle Parking.** The Project shall provide a minimum of 12 short-term and 121 long-term bicycle parking spaces for Residential use.
- b. **Non-Residential Bicycle Parking.** The Project’s Work-Live units are recognized as a Residential use per Section 3 of the Specific Plan. However, for the purposes of calculating floor area, the Project is credited 50% of the Work-Live unit space as Non-Residential floor area, as per Footnote 5 of Appendix B of the Specific Plan. As such, there is no official Non-Residential use for which to calculate bicycle parking at the time of issuance of this Letter of Determination. If at a point in the future the “work” portion of the Work-Live units were to be granted a new Certificate of Occupancy for a use other than Residential, that portion of the unit dedicated to the Non-Residential uses shall be required to provide long-term and short-term bicycle parking in the amounts required per the Specific Plan regulation in effect at such time. The Non-Residential bicycle parking spaces shall be counted separately from Residential spaces and follow size and design regulations as outlined in the LAMC.

#### 12. Landscape.

Prior to signoff, revised landscape plans or proof of compliance shall be provided to show:

- a. Compliance with the instructions on Form CP-6730 including
  - i. The dimensions of all open space areas;
  - ii. All plants indicated as proposed on the landscape plan;
  - iii. Height of trees at planting;

- iv. Notes indicating a mature height and spread of at least 35 feet within 10 years for street trees proposed;
  - v. WUCOLS classification for all plants;
- b. Setbacks indicated, to show a minimum of 30% of the required setback areas landscaped;
- c. Dimensions to show trees planted at a ratio of every 30 linear feet in the setback area adjacent to the parking structure at the north-, west-, and east- facing portion of the Project;
- d. Species of climbing vine on green screen planted on the façade of the parking structure on the north-facing portion of the Project;
- e. The use of shrubs, vines, green, screen, or trees to screen blank walls on the north elevation at the above-grade parking level;
- f. The labeling of the transformer at the southwest part of the property;
- g. On the south elevation at the live-work units, landscaped setbacks with any or all of the following: walkways, porches, raised planters and other solid walls up to three feet above sidewalk elevation, and transparent fences up to four feet above sidewalk elevation;
- h. All planted areas within a Project serviced by automatic irrigation systems and conforming to the City's water conservation requirements as prepared by a licensed landscape architect;
- i. Use of a high-efficiency "smart" irrigation system, which includes a weather-based controller, and, where feasible, in-line drip and bubblers, rather than overhead spray. Where overhead spray is used, heads should have low-precipitation nozzles to reduce run-off;
- j. Plants identified as California Friendly by the Metropolitan Water District's Be Water Wise program ([www.bewaterwise.com](http://www.bewaterwise.com)) for at least 50 percent of the plant materials used. The landscape plan shall incorporate Southern California native plant species. Please refer to the Theodore Payne Foundation ([www.theodorepayne.org](http://www.theodorepayne.org)) to access their Native Plant Database;
- k. Indigenous Plants per the County's Los Angeles River Master Plan (LARMP) Landscaping Guidelines and Plant Palettes' short list for at least 25% of the plant materials used;
- l. At least 50% of the trees as canopy trees that provide shade. Native, drought tolerant, species with a low WUCOLS level are preferred. Bamboo and Palm tree varieties shall not be counted toward this requirement, and, unless otherwise indicated the Conditions of Approval, plant deciduous trees in the PAOS areas as the most effective means of providing comfortable access to sun and shade;
- m. Notes or cut sheets that indicate that the Project treats 100 percent of the 85th



percentile storm and provide detentions capacity to retain a rainfall intensity of 0.5 inches/hour or other Code requirement if the latter is more restrictive, to the satisfaction of the Bureau of Sanitation. On-site infiltration is the preferred method of treatment; and

n. Additionally, permeable paving for at least 75 percent of all hardscape areas.

**13. Supplemental Urban Design Standards.** Prior to signoff, revised plans shall be provided as follows:

a. **Lighting and Security.** The applicant shall submit revised elevations that show all and any exterior lighting as integrated with design of the structure(s), shielded to reduce glare for all sides of the building, and pointed away from the sky and windows of residential units. Additionally, the Project's security lighting should be integrated into the architectural and landscape lighting system and should not be distinguishable from it.

b. **Articulation of Building Facades.** The applicant shall submit revised elevations that

i. show the parking structure on the north elevation with a change of depth for at least 15% of the length of the facade and at least 5 feet in horizontal length. The façade shall incorporate ornamentation techniques such as materials, textures, apparent wall thickness, or fenestration;

ii. clarify that the glass on the second floor of the south elevation will be opaque in a way to screen the parking facility.

c. **Landscaping Requirements for Parking Facilities.** The applicant shall submit revised plans and elevations:

i. for the portions of the structure used for parking on the west-, north-, and east-facing elevations that show a minimum landscaped setback of five feet;

ii. indicating that the landscaping within the setback area shall include a berm, hedge or combination of hedge and berm, measuring at least 36 inches in height that may contain openings as necessary to address potential safety and security concerns and the material proposed for screening.

**14. LEED Silver.** Prior to Planning clearance, the Project shall submit proof that the project is designed to meet the equivalent green standards of LEED (Leadership in Energy and Environmental Design) at the Silver Level, in addition to the City's Green Building and any other applicable regulations relating to sustainability standards. (Note: the project is subject to the most current version of LEED at the time of the Planning clearance on the building permit).

**15. Green Building Ordinance.** Prior to Planning clearance, the Project will submit evidence that it complies with the City's Green Building Ordinance No. 182,849. **(B&S/DCP)**

**16. Solar Reflectance Index (SRI).** Prior to Planning clearance, an updated roof plan shall be submitted showing the slope of the roof as having a maximum slope of 2:12, and

illustrating the percentage of the roof with an SRI equal to or greater than 78 for at least 75 percent of the roof area. **(B&S)**

## 17. Design Guidelines.

- a. **Blocks.** The Project shall locate parking garages that serve the development or district underground, in a podium wrapped by habitable uses, or in above-ground structures with active ground floor uses along street frontages to the extent possible.
- b. **Street Wall and Ground Floor – Active Ground Floor Retail.** The Project shall locate the primary entrance to each street-level tenant space that has its frontage along Vanowen Street from that street.
- c. **Street Wall and Ground Floor – All Ground Floor Uses.** The Project shall locate the building's primary entrance, defined as the entrance which provides the most direct access to the building's main lobby and is kept unlocked during business hours, on Vanowen Street or on a courtyard, plaza or pathway that is connected to and visible from Vanowen Street.
- d. **Parking and Access - Visibility.** Except for the ground-level frontage required for access to parking, no parking or loading shall be visible on the ground floor of the Project's facade that faces the public right-of-way.
- e. **Parking and Access - Location.** The Project shall locate parking and loading access a minimum of 25 feet from the primary building entrance on Vanowen Street.
- f. **Architecture – Horizontal and Vertical Variation.** The Project shall:
  - i. Vary details and materials horizontally to provide scale and three-dimensional qualities to the building.
  - ii. Have a ground floor of the building with different architectural treatment than the upper floors, and feature high quality materials that add scale, texture and variety at the pedestrian level.
  - iii. Use materials and color to reinforce the building's massing and not just be applied as unrelated surface treatment. They should suggest form changes and turn corners so there is a substantive reading of form and material together.
- g. **Neighbor Impacts.** Prior to final signoff, the Project shall submit revised plans showing:
  - i. The location on the exterior of all mechanical equipment including the roof, with screens shielding it from public view.
  - ii. The location of the ventilation intakes and exhausts on the exterior located more than 20 vertical and horizontal feet from the sidewalk and directing air flow away from the public realm.

- iii. Metal surfaces on the exterior noted as having a matte finish or other finish that minimizes glare or reflection.
- iv. Antennas and satellite dishes screened. Cable and satellite services should be provided through a single source that serves individual units throughout the entire complex through wired connections that are contained within building walls.

**h. Architectural Design – Mid-Rise Buildings.**

- i. The Project's balconies shall be a minimum of 50% transparent and may integrate metal railing or glass guardrail systems. Opaque glass can count towards the transparency requirement.
- ii. The Project shall integrate glass window bay systems to add variation in the facade where appropriate.
- i. **On-Site Trees.** The Project proposes to remove 11 on-site trees, as shown in the Tree Report, dated February 12, 2017. Pursuant to the Specific Plan, as replacement for the loss of any on-site trees, replace trees greater than 10 centimeters (4 inches) in diameter at breast height (DBH) (4.5 feet above surrounding grade) with native or non-native (non-invasive) trees of appropriate local climate tolerance at a 2:1 ratio. Prior to Planning clearance, an updated tree report of less than a year old shall be provided by a Landscape Architect or Certified Arborist showing trees to be removed with their DBH, and plans shall be revised to show a replacement ratio of 2:1 for the planting of the on-site trees proposed in "Exhibit A".

**18. Site Access and Internal Circulation.** Prior to the issuance of any building permit for the Project, a site plan shall be submitted to the DOT's Valley Development Review Section (6262 Van Nuys Boulevard, Suite 320, Van Nuys, CA) for review and approval of driveways, loading/unloading areas, parking, and internal circulation. **(DOT)**

**19. Mobility Fee.** Per the 2020 Mobility Fee Ordinance update (Ord. No. 186,498), the final determination to pay the Project's Mobility Fee will be calculated at building permit issuance using the annually adjusted rates of the Appendix D Mobility Fee Table that are in effect for projects deemed complete prior to 3/10/2020. The Project is entitled to a credit against the Mobility Fee for the previous use that existed on the site on January 1, 2008. The final Mobility Fee, including these credits, will be calculated after final square footage totals for the Project uses are determined through the Plan Check process by Building and Safety. **(B&S/DOT)**

**20. Transportation Demand Management (TDM) Options.** Prior to the issuance of any building, foundation, grading, demolition, change of use or use of land permit for the Project, the Applicant and/or property owner(s) shall provide a Transportation Demand Management Plan or show proof of joining a Transportation Management Organization (TMO) or an equivalent organization. If joining a TMO, Proof of membership in good standing shall be required at the time of building permit clearance. A member in good standing shall include minimum specifications outlined in Section 7.8.1.2 of the Specific Plan, which implement the TMO's overall TDM goals and objectives. **(DOT)**

**21. Warner Center Cultural Amenities Development Fee.** The Project shall be assessed

a Warner Center Cultural Amenities Development Fee if the building permit for any land use is \$500,000 or more. The applicant shall be assessed a Warner Center Cultural Amenities Development Fee at the same rate as the Citywide Arts Development Fee, LAMC Section 91.107.4.6. All fees collected from the Applicant shall be conveyed by the Department of Building and Safety to the Treasurer for deposit into the Warner Center Cultural Amenities Trust Fund (Fund 577), pursuant to Ordinance No. 184,838, which is to be administered by the Warner Center Cultural Amenities Committee per Section 9.5. A record of such conveyance shall be provided by the applicant to the Department of City Planning following the issuance of building permit(s) and the payment of the fee. Prior to the issuance of building permits, should the project wish to provide on-site cultural amenities in-lieu of the fee, the cultural amenities proposed at that time shall be consistent with the Warner Center Cultural Affairs Master Plan, and be provided at a value equal to or greater than the amount of the Warner Center Cultural Amenities Development Fee. The cultural amenity or amenities consistency with the Master Plan shall be determined by the Director of Planning and approved by the Department of Cultural Affairs. If at that time there is no Master Plan with which to determine consistency with the proposed on-site cultural amenities, the Project shall pay the set fee. **(B&S/DCP)**

### **Environmental Conditions (Addition or New Construction)**

- AES-1** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Director of Planning or his designee.
- AES-2** Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to LAMC Section 91.8104.
- AES-3** The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to LAMC Section 91.8104.15.
- AES-4** Multiple temporary signs in the store windows and along the building walls are not permitted.
- AES-7** All signs in the SIGN DISTRICT Plan area shall meet the following criteria:
- a) The building and ground area around signs shall be properly maintained at all times. All unused mounting structures, hardware and wall perforations from any previous sign shall be removed and building surfaces shall be restored to their original condition.
  - b) All signage copy shall be properly maintained and kept free from damaged sign material and other unsightly conditions, including graffiti.
  - c) Any sign structure shall be at all times kept in good repair and maintained in a safe and sound condition and in conformance with all applicable codes.
  - d) Razor wire, barbed wire, concertina wire or other barriers preventing unauthorized access to any sign, if any, shall be hidden from public view.

- e) The signage copy must be repaired or replaced immediately upon tearing, ripping, or peeling or when marred or damaged by graffiti.
  - f) No access platform, ladder, or other service appurtenance, visible from the sidewalk, street or public right-of-way, shall be installed or attached to any sign structure.
  - g) Existing signs that are no longer serving the current tenants, including support structures, shall be removed and the building facades originally covered by the signs shall be repaired/resurfaced with materials and colors that are compatible with the facades.
- AES-8:** The material, construction, mounting, and adhesive methods of all proposed signage shall be subject to the approval of the Fire Department and the Department of Building and Safety.
- AES-9** All lighting related to construction activities shall be shielded or directed to restrict any direct illumination onto property located outside of the construction area boundaries that is improved with light sensitive uses.
- AES-10** Exterior lighting shall incorporate fixtures and light sources that focus light onto project sites to minimize light trespass.
- AES-11** Lighting of individual projects shall comply with LAMC Section 93.0117. As such, lighting shall not cause more than two foot candles of lighting intensity or direct glare from the light source at any residential property.
- AES-12** All buildings, parking structures, and signage within Warner Center shall be prohibited from the using highly reflective building materials such as mirrored glass in exterior façades. Examples of commonly used non-reflective building materials include cement, plaster, concrete, metal, and non-mirrored glass, and would likely include additional materials as technology advances in the future.
- AES-13** Buildings shall not include large areas of reflective surfaces that could reflect light from signage into surrounding areas. No high brightness special effects lighting with brightness levels that shall exceed the lighting levels of permitted signage would be allowed. Buildings, signage or thematic elements shall not incorporate reflective building materials or provide a source of auto headlight-related glare in proximity to glare sensitive uses.
- AES-14** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential uses.
- AES-15** The exteriors of buildings shall be constructed of materials such as high performance tinted non-reflective glass and/or pre-cast concrete or fabricated wall surfaces.
- AES-16:** Prior to issuance of a building permit for signage displays, a lighting design expert shall develop plans and specifications for the proposed lighting displays, to identify maximum luminance levels for the displays. The City and lighting expert shall review and monitor the installation and testing of the displays, in order to insure compliance with all City lighting regulations and these mitigation measures

**AES-17:** Each applicant (and successor) and/or its lighting design expert shall implement the following protocol to determine compliance with all City lighting regulations and these mitigation measures no later than 6 months after certificate of occupancy: a) A representative testing site shall be established on or next to those light sensitive receptors that have the greatest exposure to signage lighting on each facades of a development. b) A light meter mounted to a tripod at eye level, facing project buildings, should be calibrated and measurements should be taken to determine ambient light levels with the sign on. c) An opaque object (a board) should be used to block out the view of the sign from the light meter, at a distance of at least 4 feet away from the tripod and blocking the light meter's view of the building. A reading should be taken to determine the ambient light levels with the sign off. d) The difference between the two would be the amount of light the sign casts onto the sensitive receptor. e) An alternate acceptable method to measure light levels would be to use the same tripod and same light meter, but to turn on and off the signage. This method takes more coordination, but is more accurate.

**AES-18:** All displays shall have a wattage draw not to exceed 12 watts/sq. ft. to meet Title 24 2008 requirements.

**AES-19:** All displays shall be fully dimmable, and shall be controlled by a programmable timer so that luminance levels may be adjusted according to the time of day. Displays shall also include an automatic light level meter, with the intensity of the illumination not to exceed 0.3 footcandles above ambient light levels, in addition to the other illumination restrictions of these mitigations.

**AES-20:** All displays shall have a maximum total lumen output of no more than 20 lumens per square foot.

**AES-27** Each applicant (or successors as appropriate) shall submit a conceptual signage and lighting design plan to the Department of City Planning to establish lighting standards and guidelines.

**AES-28** As applicable, individual discretionary projects will conduct further site-specific analysis to determine whether adjacent sensitive uses could be impacted by proposed structures. The City shall require' that proposed structures be designed to minimize shade/shadow impacts to sensitive uses to the extent reasonable and feasible.

**AQ-1** During the project's construction, the applicant (or successors as appropriate) shall use soil binders on soils exposed for extended periods of time (more than two weeks) to reduce fugitive dust. In addition the project is required to include the following measures *as applicable and feasible*:

- a) Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
- b) Provide dedicated turn lanes for movement of construction trucks and equipment, on-and off-site.
- c) Reroute construction trucks away from congested streets or sensitive receptor areas. Ongoing monitoring of construction activities by project applicants required as condition of project permit.

- d) Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
- e) Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications.
- f) Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113s.
- g) Construct or build with materials that do not require painting.
- h) Require the use of pre-painted construction materials.
- i) Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export).
- j) During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher, according to the following:
  - Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT 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.
  - A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
  - Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean-up of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>.
- k) Other measures as applicable on a project by project basis and as may be recommended by SCAQMD on their web site or elsewhere: [www.aqmd.gov/cegal/handbook/mitigation/MM intro.html](http://www.aqmd.gov/cegal/handbook/mitigation/MM_intro.html).

- AQ-2** Ground cover shall be reestablished on construction sites through seeding and watering on completion of construction (or if sites are to remain undeveloped for more than a year).
- AQ-3** Trucks leaving the construction site shall be washed to reduce track-out dirt and dust.
- AQ-4** The applicant (or successors as appropriate) shall provide rideshare and transit incentives to construction personnel.

- AQ-5** The applicant (or successors as appropriate) shall configure construction parking to minimize interference with traffic lanes.
- AQ-6** The applicant (or successors as appropriate) shall minimize the obstruction of through-traffic in the vicinity of construction sites.
- AQ-7** The applicant (or successors as appropriate) shall use flag people during construction to guide traffic properly.
- AQ-8** Construction activities that could affect roadways shall be scheduled for off- peak periods.
- AQ-9** The applicant (or successors as appropriate) shall ensure that construction vehicles avoid, to the extent feasible, travel on streets immediately adjacent to Canoga Park High School, Woodland Hills Academy Middle School and Hart Elementary School throughout the construction phase of each project to reduce potentially significant project-specific and cumulative construction-related air quality impacts. The City shall ensure that haul routes are designed to comply with this measure.
- AQ-15** If the project were to identify potential significant interior air quality impacts at any school the developer shall provide funding (into the Warner Center Air Quality Trust Fund) for the replacement of air filters at the affected school site. Further, the applicant (or successors as appropriate) shall contribute a fair share to fund air conditioners at the school to the extent that air conditioners are not present and/or are in need of replacement.
- AQ-19** Goods movement in to and out of the WCRCCSP area be scheduled for off-peak periods.
- AQ-20** The City shall promote efficient parking management; as parking demand decreases (as anticipated with smart growth), the City shall change parking requirements to reflect such changes and provide for re-use of parking lots and structures.
- AQ-21** Any new or replacement streetlights shall use energy-efficient lighting.
- AQ-22** All landscaping installed as part of the project shall be drought tolerant to reduce water consumption and provide passive solar benefits.
- BIO-1** Any development on the project site shall avoid the disturbance of any nests protected by the Migratory Bird Treaty Act: If construction activities (i.e., removal of trees or shrubs) are scheduled to occur during the non-breeding season (September 1 through January 31), no mitigation is required. If construction activities are scheduled to occur during the breeding season (February 1 through August 31), the project shall implement the following measures to avoid potential adverse effects on birds covered by the Migratory Bird Treaty Act:
- a) No more than two weeks prior to construction, a qualified wildlife biologist will conduct preconstruction surveys of all potential nesting habitat within 500 feet of construction activities where access is available.



- b) If active nests are found during preconstruction surveys, the project shall create a no disturbance buffer (acceptable in size to the CDFG) around active raptor nests and nests of other special-status birds during the breeding season, or until it is determined that all young have fledged. Typical buffers include 500 feet for raptors and 250 feet for other nesting birds. The size of these buffer zones and types of construction activities restricted in these areas may be further modified during coordination and in consultation with the CDFG and will be based on existing noise and human disturbance levels at the project site. Nests initiated during construction are presumed to be unaffected, and no buffer would be necessary. However, the "take" (mortality, severe disturbance to, etc.) of any individual birds will be prohibited.
- c) If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs within the construction footprint that have been determined to be unoccupied by birds covered by the Migratory Bird Treaty Act or that are located outside the no-disturbance buffer for active nests may be removed.

**BIO-3** For development in the Specific Plan area the City shall require replacement of loss of any protected trees in accordance with the Los Angeles Protected Tree Ordinance: Replace all on-site trees to ensure continuation of the urban forest. Replace all nonnative trees greater than 10 centimeters (4 inches) in diameter at breast height (4.5 feet above surrounding grade) with native or non-native (non-invasive) trees of appropriate local climate tolerance at a 2:1 ratio. For native species, source materials should be from seeds or cuttings gathered within coastal southern California to ensure local provenance.

**CUL-2** In the event that a future development project is proposed on a site containing a potential historic property (more than 45 years in age), the City shall require, as part of the environmental review of the project, a site-specific historic resources assessment to determine whether the property is a historic resource under CEQA. If the historic resources assessment determines that the potential historic property is a historic resource, the City shall undertake the analysis and impose mitigation measures required under CUL 1.

**CUL-3** Archaeological monitoring shall be required, by a qualified archaeologist, of grading of subsurface materials not previously disturbed shall be undertaken. If buried cultural resources are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures. If during cultural resources monitoring the qualified archaeologist determines that the sediments being excavated are previously disturbed or unlikely to contain significant cultural materials, the qualified archaeologist can specify that monitoring be reduced or eliminated.

**CUL-4** If cultural resources are discovered during construction activities, the construction contractor will verify that work is halted until appropriate site-specific treatment measures are implemented.

**CULT-5** If human remains of Native American origin are discovered during ground-disturbing activities, it is necessary to comply with state laws relating to the disposition of Native American burials that fall within the jurisdiction of the California Native American

Heritage Commission (Public Resources Code Section 5097). According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission to determine the most likely living descendant(s). The most likely living descendant shall determine the most appropriate means of treating the human remains and any associated grave artifacts, and shall oversee disposition of the human remains and associated artifacts by the project archaeologists.

- CULT-6** A qualified paleontological monitor shall monitor excavation activities below previously disturbed materials. The qualified paleontological monitor shall retain the option to reduce monitoring if, in his/her professional opinion, potentially fossiliferous units, are not found to be present or, if present, are determined by qualified paleontological personnel to have low potential to contain fossil resources.
- GEO-1** The project shall prepare detailed geotechnical investigations that address site-specific geologic constraints of the site including soil conditions (including liquefaction and expansive soils) and stability. The study shall include recommendations related to erosion control and other site-specific conditions including seismicity for construction of individual projects.
- GEO-2** The project shall be constructed in compliance with the Los Angeles Municipal Code and California Building Code and other applicable regulations.
- GEO-3** Unless otherwise specified by the City of Los Angeles, the project shall demonstrate compliance with specific recommendations for grading, foundation design, retaining wall design, temporary excavations, slabs on grade, site drainage, asphalt concrete pavement and interlocking pavers, design review, construction monitoring and geotechnical testing as identified in a site-specific geotechnical study, to the satisfaction of the City of Los Angeles Department of Building and Safety, as conditions to issuance of any grading and building permits.
- GEO-4** The project shall comply with the following Department of Building and Safety requirements (if not already covered by mitigation measure GEO-3), prior to issuance of a grading permit for the project:
- Prior to the issuance of a grading permit by the Department of Building and Safety, the consulting geologist and soils engineer for each project shall review and approve project grading plans. This approval shall be conferred by signature on the plans which clearly indicate the geologist and/or soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in the report.
  - Prior to the commencement of grading activities, a qualified geotechnical engineer and engineering geologist shall be employed for the purpose of observing earthwork procedures and testing fills for conformance to the recommendations of the City Engineer, approved grading plans, applicable grading codes, and the geotechnical report approved to the satisfaction of the Department of Building and Safety.

- On each project, during construction, all grading shall be carefully observed, mapped and tested by the project engineer. All grading shall be performed under the supervision of a licensed engineering geologist and/or soils engineer in accordance with applicable provisions of the Los Angeles Municipal Code and California Building Code and to the satisfaction of the City Engineer and the Superintendent of Building and Safety.
  - Any recommendations prepared by the consulting geologist and/or soils engineer for correction of geologic hazards, if any, encountered during grading shall be submitted to the Department of Building and Safety for approval prior to issuance of a Certificate of Occupancy for the project.
  - Grading and excavation activities shall be undertaken in compliance with all relevant requirements of the California Division of Industrial safety, the Occupational Safety and Health Act of 1970 and the Construction Safety Act.
- GEO-5** The project shall conform to applicable criteria set forth in the Recommended Lateral Force Requirements and Commentary by the Structural Engineers Association of California.
- GEO-6** The seismic design for structures and foundations shall comply with the parameters outlined in the 2013 California Building Code as designated for site-specific soil conditions.
- GEO-7** The project shall be designed to conform to the City of Los Angeles Seismic Safety Plan and additional seismic safety requirements not encompassed by compliance with the Los Angeles Municipal Code and California Building Code and Grading Ordinance as may be identified by the Department of Building and Safety prior to Plan Check approval on each building.
- GEO-8** The structural design of each building shall comply with the seismic standards of the most recent applicable California Building Code according to the seismic zone and construction type.
- GEO-9** The applicant (or successors as appropriate) shall be required during inclement periods of the year, when rain is threatening (between December 1 and April 15 per the Los Angeles Building Code, Sec. 7002.), to provide an erosion control plan that identifies BMPs shall be implemented to the satisfaction of the City of Los Angeles Department of Building and Safety to minimize potential erosion during construction. The erosion control plan shall be a condition to issuance of any grading permit.
- GEO-10** Appropriate erosion control and drainage devices shall be incorporated to the satisfaction of the Department of Building and Safety in to every project within the Specific Plan area. Such measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures.
- GEO-11** If temporary excavation slopes are to be maintained during the rainy season, all drainage shall be directed away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or permanent slope.

**GEO-12** Provisions shall be made for adequate surface drainage away from areas of excavation as well as protection of excavated areas from flooding. The grading contractor shall control surface water and the transportation of silt and sediment.

**GEO-13** The project shall comply with National Pollutant Discharge Elimination System (NPDES) permit requirements, including preparation of Storm Water Pollution Prevention Plans. As part of each SWPPP, Best Management Practices would be identified for construction to reduce soil erosion and pollutant levels to the maximum extent possible.

**HAZ-1** The applicant (or successors as appropriate) shall conduct a Phase 1 Environmental Site Assessment to identify any hazardous materials/wastes that could be present on each project site. The Phase 1 will also include recommendations and measures for further site assessment (Phase 2) and mitigation (Phase 3) to address any hazardous materials/wastes potentially present on each site including any asbestos and lead-based paint.

**HAZ-2** The City shall require that a Phase 2 Site Assessment be conducted as may be indicated by the site-specific Phase 1 Environmental Site Assessment. Should the Phase 2 site Assessment indicate contamination a Phase 3 Mitigation Plan shall be designed and implemented to the satisfaction of the appropriate regulatory agency (DTSC, LARQCB, LAFD or other regulatory agency as appropriate).

**HAZ-2A** As part of the Phase 3 Mitigation Plan, the applicant shall design and install a vapor intrusion barrier, or some equivalent or equally effective measure, to the satisfaction and approval of the appropriate City Department or regulatory agency. The purpose of the vapor intrusion barrier shall eliminate or significantly reduce indoor vapor intrusion to a screening level rendered safe for human exposure and residential use, consistent with the Department of Toxic Substances and Control's 2011 Vapor Intrusion Mitigation Advisory. This may include, but is not limited to, the installation a layer of permeable sub-slab material; sealing joints, cracks, and other penetrations of slabs and foundation walls; providing a soil-gas retarder (sub-slab liner) beneath floors; and installation of either a sub-slab venting system or sub-slab depressurization system.

Prior to the issuance of any grading or building permits, the appropriate City Department or regulatory agency must provide written approval of the final design of the vapor intrusion barrier (e.g., Los Angeles Department of Building and Safety).

**HAZ-2B** Prior to construction, the project applicant and/or contractor shall submit a Soil Management Plan (SMP), to be prepared by a qualified environmental consultant, a site-specific health and safety plan for review and approval to the appropriate City Department or regulatory agency (e.g., LADBS, LAFD, OSHA, SCAQMD). The purpose of a SMP is to establish procedures for managing impacted soil during planned earthwork activities.

The SMP shall meet the following objectives: provide guidance for safely managing soil excavated at the property; notify on-site construction workers as to the presence of contamination in the soil, and present procedures for use during grading and/or excavation; provide guidance regarding health and safety procedures to be implemented to protect both on-site workers and nearby residents; present procedures for the segregation, management, and disposal of soil containing chemicals of concern (COCs), potentially including previously undiscovered COCs that may be encountered during grading and excavation; and provide guidance regarding the applicable regulatory

framework associated with soil sampling, excavation, removal, transportation, and disposal.

The SMP shall include practices that are consistent with the California Title 8, Occupational Safety and Health Administration (Cal-OSHA) regulations, as well as appropriate remediation standards that are protective of the planned use. Appropriately trained professionals, including a site safety officer shall be on-site during preparation, grading, and related earthwork activities to monitor soil, air, and vapor conditions.

These on-site trained professionals shall maintain field reports, including project activities, excavation equipment and locations, air, and vapor monitoring results (as applicable), soil stockpiling and transport, and soil sampling activities, at a frequency provided in the SMP. These reports shall be made available to community members upon request by contacting the posted on-site construction manager or other appropriate on-site personnel's phone number.

**HAZ-2C** The project applicant shall identify a contact person (e.g. on-site construction manager) and provide a 24-hour "hotline" telephone number for any inquiries or complaints from the community regarding construction related activities, and to request a copy of the SMP field reports. The phone number and contact person's name shall be posted on-site in a conspicuous place so that it is readily visible to any interested party. All phone calls shall be returned within the next business day.

**HAZ-3** The project applicant and/or contractor shall ensure that no hazardous materials are transported along Topanga Canyon Boulevard or Burbank Boulevard or within one-quarter mile of a public or private K-12 school.

**HAZ-4** The project applicant and/or contractor shall coordinate in advance of construction with the City of Los Angeles Department of Transportation and Fire Department to ensure that road closures (temporary or permanent) are identified and that alternate access and evacuation routes are determined in the event of an emergency and/or natural disaster.

**HAZ-5** Any construction site and/or permanent facility storing hazardous materials shall comply with applicable regulations regarding storage, transport and disposal of hazardous materials and wastes.

**HYDRO-1** Development shall be in compliance with the Low Impact Development (LID) Ordinance. Construction contractors shall be required to control erosion and runoff as necessary through the use of site appropriate grading practices. Specifically, the construction contractor shall plan for and implement Best Management Practice (BMP) during construction to the satisfaction of the Department of Public Works, Bureau of Engineering, Stormwater Management Division City of Los Angeles, and/or other designated responsible agencies/departments. (LID measures also require review and approval of the Watermaster or appropriate agency.)

**HYDRO-2** The structural design of individual projects shall be modified when possible to avoid the need for a permanent dewatering system. When a permanent dewatering system is necessary, one or more of the following measures as per the Department of Building and Safety shall be followed:

- Pumping water to a beneficial use on site (landscaping, decorative fountains or

- lakes, toilet flushing, cooling towers); or
- Returning water to the groundwater basin by an injection well.

- HYDRO-3** Sufficient area shall be available so that runoff can be collected in roadside vegetated swales as appropriate and directed to existing curb and gutter or storm drains. In other areas, runoff shall be collected in gutters and directed to the storm drain systems. Swale design shall be coordinated with on-site hazardous materials issues as necessary.
- HYDRO-4** The applicant (or successors as appropriate) shall develop in compliance with applicable NPDES permit requirements, including preparation and implementation of a Stormwater Pollution Prevention Plan and Standard Urban Stormwater Mitigation Plan (SUSMP) in accordance with the Los Angeles Municipal Storm Water permit. The SUSMP shall identify post development peak runoff, conserve natural areas, minimize storm water pollutants, protect slopes and channels, and post construction Best Management Practices (BMPs) and other items as required by the permit. (SUSMP measures require review and approval of the Watermaster or appropriate agency.)
- HYDRO-5** Runoff from parking lots shall be treated, as required by SUSMP regulations, prior to discharging into existing storm drain systems.
- HYDRO-6** All wastes from construction shall be disposed of properly. Appropriately labeled recycling bins shall be used to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- HYDRO-7** Leaks, drips, and spills be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- HYDRO-8** Material spills are prohibited from being hosed down on the pavement. Dry cleanup methods shall be required wherever possible.
- HYDRO-9** All dumpsters shall be properly covered and maintained, including immediate emptying when full. Uncovered dumpsters shall be required to be placed under a roof or covered with tarps or plastic sheeting.
- HYDRO-10** Where project truck traffic is frequent, gravel approaches and dirt tracking devices shall be used to reduce soil compaction and limit the tracking of sediment into streets.
- HYDRO-11** All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be required to be conducted at an appropriate location. Drip pans or drop cloths shall be required to catch drips and spills.
- HYDRO-12** Short-term water quality impacts may result from the construction of the proposed project. Project construction shall comply with the General Construction Activity Stormwater Permit (General Permit) and the City's Development Construction Program pursuant to the NPDES Permit (Permit No. CA00401). Implementation of the General Permit and NPDES Permit programs will mitigate potential impacts to a level of insignificance.
- HYDRO-13** Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban

Runoff Pollution Control, which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. The applicant (or successors as appropriate) shall meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following (a copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>).

- The project applicant shall implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- Post development peak stormwater runoff discharge rates shall not exceed the estimated predevelopment rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- Clearing and grading of native vegetation at the project site shall be limited to the minimum needed to build lots, allow access, and provide fire protection.
- Trees and other vegetation at each site shall be maximized by planning additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- Natural vegetation shall be promoted by using parking lot islands and other landscaped areas.
- Any identified riparian areas shall be preserved.
- Appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code will be incorporated.
- Outlets of culverts, conduits or channels from erosion by discharge velocities shall be protected by installing a rock outlet protection. Rock outlet protection is physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Sediment traps shall be installed below the pipe-outlet. Inspect, repair, and maintain the outlet protection after each significant rain.
- Any connection to the sanitary sewer will have authorization from the Bureau of Sanitation.
- Impervious surface area will be reduced by using permeable pavement materials where appropriate. These include pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- Roof runoff systems will be installed where site is suitable for installation.
- Messages that prohibit the dumping of improper materials into the storm drain system adjacent to storm drain inlets shall be painted.

- All storm drain inlets and catch basins within the project area shall be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area. Legibility of stencils and signs must be maintained.
- Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- The storage area will be paved and sufficiently impervious to contain leaks and spills.
- The storage area shall have a roof or awning to minimize collection of stormwater within the secondary containment area.
- An efficient irrigation system shall be designed to minimize runoff including: drip irrigation for shrubs to limit excessive spray; shutoff devices to prevent irrigation after significant precipitation; and flow reducers.
- Cleaning of oily vents and equipment will be performed within designated covered area, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly connect sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis to remove any solids; and the oil absorbent pads must be replaced regularly according to manufacturer's specifications.
- Trash dumpsters will be stored both under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Containers will be washed in an area with properly connected sanitary sewer.
- Wastes, including paper, glass, aluminum, oil and grease will be reduced and recycled.
- Liquid storage tanks (drums and dumpsters) will be stored in designated paved areas with impervious surfaces in order to contain leaks and spills. A secondary containment system such as berms, curbs, or dikes shall be installed. Drip pans or absorbent materials whenever grease containers are emptied will be used.
- The owner(s) of the property shall prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

**NOI-3** All construction activities shall be restricted to hours between 7:00 a.m. and 9:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. No noise-generating construction activities shall take be allowed on Sundays or national holidays.



- NOI-4** Noise-generating construction equipment shall be equipped with the most effective state-of-the-art noise control devices, i.e., mufflers, lagging, or motor enclosures. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
- NOI-5** The project shall use effective temporary noise barriers to be used and relocated, as needed, to block line-of-sight (sound) between the construction equipment and any noise-sensitive receptors within 500 feet of a construction site.
- NOI-6** Truck deliveries and haul routes, to the extent feasible, shall be directed away from the three LAUSD schools in the vicinity of Warner Center and not access construction sites from De Soto Avenue, along the lot line of Woodland Hills Academy Middle School or from Topanga Canyon Boulevard and Vanowen Street along the lot line of Canoga Park High School, or use Variel north of Warner Center to access project sites in Warner Center.
- NOI-7** The applicant shall notify schools in advance of construction activities. The construction manager's (or representative's) telephone number shall be provided with the notification so that each school may communicate any concerns.
- PS-1** The City shall ensure that adequate fire protection service levels shall be maintained through the addition of personnel and facilities as necessary to meet anticipated demand, and, where appropriate, through project-specific on-site features that reduce the demand for such personnel and facilities.
- PS-2** Applicants shall submit for review and approval all future project plans to the LAFD to ensure that all new structures would comply with current fire codes and LAFD requirements.
- PS-3** Project building plans shall include the submittal of a plot plan for approval by the Los Angeles Fire Department either prior to the recordation of the final map or the approval of a building permit.
- PS-4** The applicant shall consult with the Fire Department and incorporate fire prevention and suppression features appropriate to the design of each project.
- PS-5** Project plans and specifications shall be submitted to the Fire Department and requirements for necessary permits satisfied prior to commencement of any portion of the project.
- PS-6** Fire hydrants shall be installed as appropriate that shall be fully operational and accepted by the Fire Department prior to any building construction above grade.
- PS-7** Plot plans indicating access driveways and roads and turning areas shall be reviewed and approved by the Fire Department, prior to the issuance of a building permit.
- PS-8** During the construction phase of each project, emergency access shall remain clear and unobstructed.
- PS-9** The project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan of the City of Los Angeles.

- PS-10** All project access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code.
- PS-11** The applicant (or successors as appropriate) shall be required to provide a Fire Flow analysis. The purpose of the analysis will be to determine whether the proposed public water system could deliver required fire flows to the public fire hydrants located in the area. Should fire flow be found to be inadequate each applicant shall be required to comply with the requirements of LADWP (including construction of additional water supply lines within the Specific Plan area, payment of a fee to cover fair share costs and/or other measures as deemed necessary by LADWP and/or LAFD) to ensure adequate fire flow.
- PS-12** During project construction, the applicant shall implement security measures including security fencing, lighting, locked entry, and security patrol on the site.
- PS-13** During project construction, the applicant shall provide adequate through access and emergency access to adjacent uses as necessary.
- PS-14** The applicant shall consult with the Police Department and comply with recommended security features for each construction site, including security fencing, locked entrances, lighting, and the use of a seven-day, 24-hour security patrol.
- PS-15** Adequate police protection levels shall be maintained in Warner Center through provision of personnel and facilities, and, where appropriate, through project-specific on-site monitor who shall complete and submit reports documenting compliance to DCP.
- PS-16** The applicant shall consult with the LAPD Crime Prevention Unit regarding crime prevention features appropriate for the design of the project and subsequently, shall submit plot plans for review and comment. The plans shall incorporate design guidelines relative to security sand semi-public and private spaces which may include but not be limited to access control to buildings, secured parking facilities, wall/fences with key systems, well-illuminated public and semi-public and private spaces, which may include access control to buildings, secured parking facilities, walls/fences with key systems, well-illuminated public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provisions of security guard patrol if need. These measures shall be approved by the LAPD prior to the issuance of building permits.
- PS-17** Upon completion of each project, the applicant shall provide the local Commanding Officer with access routes and other information that might facilitate police response, as requested by the LAPD.
- PS-18** The applicant shall provide project plans to the LAPD Crime Prevention Unit to determine any additional crime prevention and security features appropriate to the design of the project. Any additional design features identified by the LAPD Crime Prevention Unit shall be incorporated into the project's final design and to the satisfaction of LAPD, prior to issuance of a Certificate of Occupancy for the project.

- PS-19** The project shall incorporate design guidelines relative to security, semi-public and private spaces, which may include, but not be limited to, access control to buildings, secured parking facilities, walls/fences with key systems, well illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas and provision of security guard patrol throughout the project site if needed.
- PS-20** Prior to issuance of a building permit, the project developer shall pay to the LAUSD the prevailing State Department of Education Development Fee to the extent allowed by State law. School fees exacted from residential and commercial uses would help fund necessary school service and facilities improvements to accommodate anticipated population and school enrollment within the LAUSD service area, and would allow for the LAUSD to allocate these funds as they deem necessary.
- PS-21** The project shall comply with the open space regulations of the Specific Plan and, for projects that involve a residential subdivision, also undertake one of the following: (1) dedicate additional parkland to meet the requirements of Los Angeles Municipal Code Section 17.12; (2) pay in-lieu fees for any land dedication requirement shortfall; or (3) provide on-site improvements equivalent in value to said in lieu fees. If any fees are collected, they should be spent within the Specific Plan area including for example within opportunity areas along the Los Angeles River.
- PS-22** The project shall offset the burden on the existing libraries through one of the following: (1) payment of a fee based on an established nexus between the new development, demand and the need for additional personnel and facilities; (2) provision of on-site facilities commensurate with the demand generated; or (3) some combination of the foregoing. If any fees are collected, they should be spent within the Specific Plan area.
- TR-100** The applicant shall be required to develop and, if necessary, implement a construction traffic management plan, subject to DOT approval. The construction traffic management plan will identify potential interim construction impacts and mitigation measures.
- U-1** The applicant shall coordinate with the Department of Public Works, Bureau of Sanitation in order to ensure that existing and/or planned sewer conveyance and treatment facilities are capable of meeting wastewater flow capacity requirements. In coordination with the Bureau of Engineering, each Applicant/Contractor shall be required to identify specific on- and off-site improvements needed to ensure that impacts related to wastewater conveyance capacity are addressed prior to issuance of plans. Sewer capacity clearance from the Department of Public Works will be required at the time that a sewer connection permit application is submitted.
- U-2:** The applicant shall coordinate with the City of Los Angeles Department of Water and Power (LADWP) in order to ensure that existing and/or planned water supply and water conveyance facilities are capable of meeting water demand/pressure requirements. (In accordance with State Law, a Water Supply Assessment shall be required for projects that meet the size requirements specified in the regulations.) In coordination with the LADWP, each applicant will identify specific on- and off-site improvements needed to ensure that impacts related to water supply and conveyance demand/pressure requirements are addressed prior to issuance of a certificate of occupancy. Water supply and conveyance demand/pressure clearance from the LADWP will be required at the time that a water connection permit application is submitted.

- U-3** The applicant shall coordinate with the City of Los Angeles Fire Department and Building Safety Department in order to ensure that existing and/or planned fire hydrants are capable of meeting fire flow demand/pressure requirements. The issuance of building permits will be dependent upon submission, review, approval, and testing of fire flow demand and pressure requirements, as established by the City of Los Angeles Fire Department and Building Safety Department prior to occupancy.
- U-4** The applicant shall implement water conservation measures in new development that shall include but not be limited to the following:
- Installation of high-efficiency toilets (1.28 gallons per flush or less, includes dual flush.
  - High-efficiency urinals (0.125 gallons per flush or less, includes waterless)
  - Restroom faucet flow rate of 1.5 gallons per minute or less
  - Public restroom faucet flow rate of 0.5 gallons per minute or less and self-closing
  - Showerhead flow rate of 2.0 gallons per minute or less
  - Limit of one showerhead per shower stall
  - High efficiency clothes washers (water factor of 4.0 or less)
  - High efficiency dishwashers (Energy Star rated)
  - Domestic water heating system located in close proximity to point(s) of use, as feasible; use of tankless and on-demand water heaters as feasible
  - Cooling towers must be operated at a minimum of 5.5 cycles of concentration
  - Install on-site water recycling as feasible
  - Use of recycled water (if available) for appropriate end uses (irrigation, cooling towers, sanitary)
  - Single pass cooling shall be prohibited (e.g. any vacuum pumps or ice machines)
  - Irrigation shall include: Weather-based irrigation controller with rain shutoff; Flow sensor and master valve shutoff (for large landscaped areas); Matched precipitation (flow) rates for sprinkler heads; Drip/microspray/subsurface irrigation where appropriate; Minimum irrigation system distribution uniformity of 75 percent; Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; and Use of landscape contouring to minimize precipitation runoff
- U-5** Prior to the issuance of a building permit, the applicant shall consult with LADWP to identify feasible and reasonable measures to reduce water consumption, including, but not limited to, systems to use reclaimed water for landscaping (should reclaimed water become available in Warner Center), drip irrigation, re-circulating hot water systems, water conserving landscape techniques (such as mulching, installation of drip irrigation systems, landscape design to group plants of similar water demand, soil moisture

sensors, automatic irrigation systems, clustered landscaped areas to maximize the efficiency of the irrigation system), water conserving kitchen and bathroom fixtures and appliances, thermostatically controlled mixing valves for baths and showers, and insulated hot water lines, as per City adopted UBC requirements.

- U-6** The project shall incorporate Phase I of the City of Los Angeles Emergency Water Conservation Plan including prohibiting hose watering of driveways and associated walkways; requiring decorative fountains to use recycled water, and repairing water leaks in a timely manner.
- U-7** The project shall comply with any additional mandatory water use restrictions imposed as a result of drought conditions.
- U-8** Automatic sprinkler systems shall be installed to irrigate landscaping during morning hours or during the evening to reduce water losses from evaporation. Sprinklers shall be reset to water less often in cooler months and during the rainfall season, so that water is not wasted in excessive landscape irrigation.
- U-9** Prior to issuance of building permits, the applicant shall pay any appropriate fees imposed by the Building and Safety Department. A percentage of building permit fees is contributed to the fire hydrant fund, which provides for Citywide fire protection improvements.
- U-10** Development within Warner Center must remain within Citywide water budgets established by LADWP. As required by LADWP projects may be required to provide for new water supply through a combination of water conservation (on and potentially off-site) and recycled water, such that the net increase in water demand (not including demand for recycled water) from Warner Center does not exceed the calculated demand anticipated for the City and/or Warner Center as appropriate and as documented in the City's most recent Urban Water Management Plan.
- U-11** Any pumping and discharge or disposal of groundwater is considered to be a consumptive use. Any pumping of groundwater shall be reported to the Watermaster and LADWP shall be compensated for any loss of groundwater. In addition, reasonable efforts shall be used by project applicants to beneficially use any extracted groundwater (for example cooling or irrigation).
- U-12** The project shall recycle and/or salvage at least 75 percent of non-hazardous construction and demolition debris, and each applicant shall prepare a construction waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted on-site or comingled shall be developed and implemented. Excavated soil and land-clearing debris do not contribute to the amount of recycled/salvaged debris. Calculations can be done by weight or volume, but must be consistent throughout.
- U-13** The project shall institute a recycling program to reduce the volume of solid waste going to landfills in compliance with the City's current goal of a 62 percent reduction in the amount of waste going to landfills, with the 2020 goal of a 70 percent reduction of waste going to landfills. Additionally, recycling bins shall be provided at appropriate locations on each site to promote recycling. The project shall comply with the City's standard

requirement that, all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more, are required to set aside a recycling area or room for on-site recycling activities.

- U-14** The applicant shall coordinate with the City of Los Angeles' Department of Water and Power in order to ensure that existing and/or planned electrical facilities are capable of meeting electrical demand requirements. In coordination with the Department of Water and Power, the applicant will be required to identify specific on- and off-site improvements needed to ensure that impacts related to electrical facility requirements are addressed prior to operation. Electrical facility design clearance from the LADWP will be required as established by the LADWP.
- U-15** The applicant shall, during the design process, consult with the Department of Water and Power, Energy Services Subsection and the Southern California Gas Company, the Commercial, Industrial or Residential Staff Supervisor, regarding possible Energy Conservation Measures.
- U-16** The applicant shall coordinate with the Gas Company in order to ensure that existing and/or planned natural gas facilities are capable of meeting natural gas demand requirements. In coordination with the Gas Company, the applicant will identify specific on- and off-site improvements needed to ensure that impacts related to natural gas facility requirements are addressed prior to operation. Natural gas facility design clearance from the Gas Company will be required as established by the Gas Company.

### **Administrative Conditions**

1. **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.
2. **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.
3. **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.
4. **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.

5. **Covenant and Agreement.** Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for attachment to the subject case file.
6. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
7. **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.
8. **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.
9. **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 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 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.