

CONDITIONS OF APPROVAL

Entitlement Conditions

TOC Affordable Housing Incentive Program Conditions

1. **Residential Density.** The project shall be limited to a maximum density of 85 residential dwelling units, including On-Site Restricted Affordable Units.
2. **On-Site Restricted Affordable Units.** Ten (10) units shall be designated for Extremely Low Income Households, as defined by the Los Angeles Housing and Community Investment Department (HCIDLA) and California Government Code Section 65915(c)(2).
3. **Changes in On-Site Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.31.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 10 units available to Extremely Low Income Households for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required set-aside affordable units may be adjusted, consistent with LAMC Section 12.22 A.31, to the satisfaction of HCIDLA, and in consideration of the project's SB 330 Determination. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Transit Oriented Communities (TOC) Affordable Housing Incentive Program Background and Housing Replacement (SB 330 Determination) sections of this determination.
5. **Floor Area Ratio (FAR).** The maximum FAR shall be limited to 4.09:1, or 76,650 square feet.
6. **Automobile Parking.** Automobile parking shall be provided consistent with LAMC Section 12.22 A.31, which permits no residential parking for a project located in Tier 4 TOC Affordable Housing Incentive Area and no more than 127 residential parking spaces, 42 guest parking spaces, and two (2) commercial parking spaces, for a total of 171 parking spaces per the SNAP.
 - a. Any future guest parking spaces must be shared with designated commercial spaces.
 - b. If more guest parking spaces are allowed than commercial parking spaces, the proposed project cannot exceed the maximum two (2) spaces allowed per the SNAP.
7. **Height.** The project shall be limited to a maximum building height of 97 feet, 0 inches, as measured from grade to the highest point of the structure pursuant to the TOC Affordable Housing Incentive Program. Architectural rooftop features as identified in LAMC Section 12.21.1 B.3 may be erected up to 10 feet above the height limit, if the structures and features

are set back a minimum of 10 feet from the roof perimeter and screened from view at street level.

8. **Building Stepback.** The project shall set the second floor mezzanine floor back from the first-floor frontage by a minimum of 10 feet. The project shall be limited to 41 feet in height for the portion of the building located within 15 feet from the front property line along Santa Monica Boulevard.
9. **Open Space.** The project shall provide a minimum of 6,919 square feet of usable open space pursuant to the TOC Affordable Housing Incentive Program, of which 1,730 square feet must be located at grade level or first habitable room level. The common open space shall be open to the sky, must be at least 600 square feet in size, and have a minimum dimension of 20 feet when measured perpendicular from any point on each of the boundaries of the open space area. Balconies shall have a minimum dimension of six feet and patios shall have a minimum dimension of 10 feet. Balconies and patios not meeting the minimum dimension requirements when measured perpendicular from any point on each of the boundaries of the open space area cannot be counted towards the square-footage allocated towards meeting the overall usable open space requirement.

SNAP Conditions

10. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
11. **Parks First.** Prior to the issuance of a Certificate of Occupancy, the applicant shall complete the following:
 - a. Make a payment to the Department of Recreation and Parks (RAP) for the required Park Fee pursuant to LAMC Section 17.12. Contact RAP staff by email at rap.parkfees@lacity.org, by phone at (213) 202-2682 or in person at the public counter at 221 N. Figueroa St., Suite 400 (4th Floor), Los Angeles, CA 90012 to arrange for payment.
 - b. Make a payment of \$361,200 to the Parks First Trust Fund for the net increase of 84 residential dwelling units. The calculation of a Parks First Trust Fund Fee to be paid pursuant to the Vermont/Western SNAP shall be off-set by the Park Fee paid pursuant to LAMC Section 17.12 as a result of the project.
 - c. The applicant shall provide proof of payment for the Park Fee to the Department of City Planning (DCP), Central Project Planning Division staff to determine the resulting amount of Parks First Trust Fund Fee to be paid. DCP staff shall sign off on the Certificate of Occupancy in the event there are no resulting Parks First Trust Fund Fee to be paid.
 - d. In the event there are remaining Parks First Trust Fund Fee to be paid, the applicant shall make a payment to the Office of the City Administrative Officer (CAO), Parks First Trust Fund. Contact Jennifer Shimatsu of the CAO directly at (213) 978-7628 or Jennifer.Shimatsu@lacity.org to arrange for payment. The

applicant shall submit proof of payment for the Parks First Trust Fund Fee to DCP staff, who will then sign off on the Certificate of Occupancy.

- e. All residential units in a project containing units set aside as affordable for Very Low or Low Income Households that are subsidized with public funds and/or Federal or State Tax Credits with affordability covenants of at least 30 years are exempt from the Parks First Trust Fund.
12. **Use.** The proposed residential use shall be permitted on the subject property. The project is allowed C4 uses on the subject property. Any change of use within the project site is required to obtain a Project Permit Compliance Review approval before any permit clearance is given. Commercial Uses shall be limited to the ground floor only.
 13. **Bicycle Parking.** The project shall provide a minimum of 48 residential bicycle parking spaces and a minimum of four (4) commercial bicycle parking spaces on site, as shown in Exhibit "A".
 14. **Setback.** No front, side or rear yard setbacks shall be required.
 15. **Streetscape Elements.**
 - a. **Street Trees.** Street trees must be installed and maintained prior to issuance of the building permit or suitably guaranteed through a bond and all improvements must be completed prior to the issuance of a Certificate of Occupancy.
 - i. Four (4), 36-inch box shade trees shall be provided in the public right-of-way along Santa Monica Boulevard and five (5) 36-inch box shade trees shall be provided in the public right-of-way along New Hampshire Boulevard, subject to the Bureau of Street Services, Urban Forestry Division requirements. The project site currently includes two (2) existing trees within the 125 feet of frontage along Santa Monica Boulevard and six (6) existing trees within the 150 feet of frontage along New Hampshire Boulevard. Whether the street trees should remain or should be replaced is subject to the Bureau of Street Services, Urban Forestry Division.
 - ii. A tree well cover shall be provided for each new and existing tree in the public right-of-way adjacent to the subject property to the satisfaction of the Bureau of Street Services.
 - iii. The applicant shall be responsible for new street tree planting and pay fees for clerical, inspection, and maintenance per the Los Angeles Municipal Code Section 62.176 for each tree.
 - iv. An automatic irrigation system shall be provided.

Note: Contact the Urban Forestry Division, Subdivision staff, at (213) 847-3088 for site inspection prior to any street tree work.
 - b. **Bike Racks.** Two (2) simple black painted bike racks shall be provided in the public right-of-way along Santa Monica Boulevard and three (3) simple black painted bike racks shall be provided in the public right-of-way along New Hampshire Boulevard. Bike racks shall be installed three feet from the curb edge or per the City of Los Angeles Department of Transportation requirements.

- c. **Trash Receptacles.** One (1) trash receptacle painted black shall be provided, maintained, and emptied by the project owner, and placed in the public right-of-way along Santa Monica Boulevard subject to the requirements of the Department of Public Works.
16. **Vehicular Access (New Hampshire Avenue).** Vehicular access to the project shall be provided from New Hampshire Avenue. If the project is revised to provide vehicular access from Santa Monica Boulevard, only one curb cut that is 20 feet in width is permitted, unless otherwise required by the Departments of Public Works, Transportation, or Building and Safety. Approval by the Departments of Public Works, Transportation, or Building and Safety for a curb cut exceeding 20 feet in width must be provided to the Department of City Planning once received.
17. **Pedestrian Entrance.** As illustrated in 'Exhibit A', the pedestrian entrance lobby shall be provided along Santa Monica Boulevard and the entrance to the commercial ground floor space shall be provided along Santa Monica Boulevard or at the intersection of Santa Monica Boulevard and New Hampshire Boulevard.
18. **Utilities.** All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made by the applicant for future underground service.
19. **Transparent Elements.** Transparent building elements as windows and doors shall occupy at least 50% of the exterior surface of the ground floor facades of the front and side elevations.
 - a. At least 545.50 square feet of the ground floor façade shall be constructed with transparent building materials along Santa Monica Boulevard, consistent with Exhibit "A", Sheet AC-6.
 - b. At least 805.50 square feet of the ground floor façade shall be constructed with transparent building materials along New Hampshire Avenue, consistent with Exhibit "A", Sheet AC-6
20. **Façade Relief.** As illustrated in 'Exhibit A', exterior walls shall provide a break in plane for every 20 feet horizontally and every 30 feet vertically.
21. **Building Materials.** As illustrated in 'Exhibit A', building facades shall utilize metal, cement plaster, and glass on all elevations, thereby providing at least two types of complimentary building materials on all elevations.
22. **Surface Mechanical Equipment.** All surface or ground-mounted mechanical equipment, including transformers, terminal boxes, pull boxes, air conditioner condensers, gas meters and electric meter cabinets, shall be screened from public view and treated to match the materials and colors of the building which they serve.
23. **Roof Lines.** As illustrated in 'Exhibit A', all rooflines in excess of 40 feet are broken up through the use of gables, dormers, plant-ons, cutouts, or other appropriate means
24. **Rooftop Appurtenances.** All rooftop equipment and building appurtenances shall be screened from any street, public right-of-way, or adjacent property with enclosures or parapet walls constructed of materials complimentary to the materials and design of the main structure.

25. **Trash, Service Equipment and Satellite Dishes.** Trash, service equipment and satellite dishes, including transformer areas, shall be located away from streets and enclosed or screened by landscaping, fencing or other architectural means. The trash area shall be enclosed by a minimum six-foot high decorative masonry wall. Each trash enclosure shall have a separate area for recyclables. Any transformer area within the front yard shall be enclosed or screened.
26. **Design of Entrance.** The applicant shall submit detailed elevations of the ground floor illustrating that all pedestrian entrances, including entries to commercial and retail stores, lobby area, and the pedestrian throughways, are accented with architectural elements such as columns, overhanging roofs, or awnings. The location of Entrances shall be in the center of the façade or symmetrically spaced if there are more than one.
27. **Landscape Plan.** The applicant shall submit a final landscape plan prepared by a licensed landscape architect showing enhanced paving such as stamped concrete, permeable paved surfaces, tile and/or brick within paved areas in front, side and rear yards. All open areas not used for buildings, driveways, parking, recreational facilities, or pedestrian amenities shall be landscaped.
28. **Irrigation Plan.** A final irrigation plan shall be prepared and included.
29. **On-Site Lighting.** The applicant shall install on-site lighting along all vehicular and pedestrian access ways. Installed lighting shall provide $\frac{3}{4}$ -foot-candle of flood lighting intensity as measured from the ground. Lighting must also be shielded from projecting light higher than 15 feet above ground level and away from adjacent property windows. The maximum height of any installed lighting fixture shall not exceed 14 feet in height.
30. **Security Devices.** If at any time during the life of the project the property owner wishes to install security devices such as window grilles and/or gates, such security devices shall be designed so as to be fully concealed from public view. The applicant shall be required to acquire approval from the Department of City Planning, Central Project Planning Division for the installation of any security devices on the exterior or the structure through a building permit clearance sign off.
31. **Noise.** The project is allowed to comply with the interior noise study ('Exhibit B') produced by acoustical engineer, Chris Kezon and John LoVerde, dated January 18, 2021, as an alternative means of sound insulation sufficient to reduce interior noise levels below 45 dBA in any habitable room having a line of sight to a public street or alley. In accordance with the noise study, the following materials will be utilized within the project:
 - Zone A shall utilize the following materials: windows with a rating of STC 35 and swing doors with a rating of STC 31.
 - Zone B shall utilize the following materials: windows with a rating of STC 33, swing doors with a rating of STC 31, and sliding door with a rating of STC 33.
 - Zone C shall utilize the following materials: windows with a rating of STC 28, swing doors with a rating of 28, and sliding doors with a rating of 28.
 - The remaining units shall not have an STC requirement but it is recommended to incorporate materials with an STC rating of 28.

Revised plans shall be submitted at the time of condition clearance to notate the Window and Door Schedules for Zones A-C and document compliance with these STC ratings.

32. **Future Signage.** All future signs shall be reviewed by Project Planning staff for compliance with the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan and Design Guidelines. Filing for a Project Permit shall not be necessary unless a Project Permit Adjustment, Exception, or Amendment is required. Any pole, roof, or off-site sign, any sign containing flashing, mechanical or strobe lights are prohibited. Canned/Cabinet signs should not be used.
33. **Freestanding Walls.** New freestanding walls and fences shall be decorative with an architectural element at intervals of no more than 20 feet. All freestanding walls and fences shall be set back from the property line adjacent to a public street with a three-foot landscaped buffer. No chain-link, barbed and concertina fences shall be permitted.

Administrative Conditions

34. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
35. **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.
36. **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.
37. **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.
38. **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.
39. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
40. **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.

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

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in

the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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