

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on October 21, 2021)

Pursuant to Sections 12.24-U,14 and 12.24-T,3(a) of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. **Use.** All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. **Development.** The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A," except as may be revised as a result of this action. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning, with each change being identified and justified in writing. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Electric Vehicle Parking.** The number of required electric vehicle (EV) spaces shall be 30 percent of the total number of parking spaces provided, but in no case less than one space, for all types of parking facilities, per Section 99.05.106.5.3.3 of Article 9, Chapter IX of the LAMC. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.
  - a. **Electric Vehicle Charging Stations.** The number of electric vehicle charging stations (EVCS) shall be ten percent of the total number of parking spaces provided for all new nonresidential buildings. Calculations for the number of required EVCS shall be rounded up to the nearest whole number. The number of EVCS can be counted towards the total number of EV spaces required for the building per Section 99.05.106.5.3.3 of Article 9, Chapter IX of the LAMC.
4. **Department of Transportation.**
  - a. The project shall submit a Construction Staging and Traffic Management Plan (CSTMP) to the appropriate DOT office. The CSTMP should include, but not be limited to, the following measures:
    - i. Advance notification of adjacent property owners and occupants of upcoming construction activities, including durations and daily hours of operation.
    - ii. Temporary traffic control during all construction activities adjacent to public rights-of-way to improve traffic flow on public roadways (e.g., flaggers).
    - iii. To the extent feasible, scheduling of construction activities that avoid peak hours so as to reduce to the effect on traffic flow on surrounding arterial streets.
    - iv. Potential sequencing of construction activity for the Project to reduce the amount of construction-related traffic on arterial streets.
    - v. Containment of construction activity outside the Project Site boundaries and within the public right-of way, per the approved Worksite Traffic Control Plan.

- vi. Prohibition on construction-related vehicles/equipment parking on the surrounding public streets.
- vii. Coordination with Metro and West Hollywood Cityline to address any potential conflicts with existing transit service, including temporary relocation of bus stops as needed.
- viii. Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers shall be implemented as appropriate.
- ix. Schedule delivery of construction materials and hauling/transport of oversized loads to non-peak travel periods, to the extent possible. Hauling or transport shall be allowed during nighttime hours, Sundays, or Federal Holidays if approved by the Board of Police Commissioners.
- x. Installation of appropriate traffic signs around the Project Site to ensure pedestrian, bicycle, and vehicle safety, as may be necessary.
- xi. Installation of truck crossing signs within 300 feet of the exit of the Project Site in each direction.
- xii. Securing of loads of trimming and watering or covering to prevent the spilling or blowing of earth material.
- xiii. Cleaning of trucks and loads at the export site to prevent blowing dirt and spilling of loose earth.
- xiv. Identification of a construction manager and provision of a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading, and construction.
- xv. Obtain a Caltrans transportation permit for use of oversized transport vehicles on Caltrans facilities, if needed.

**5. Fire Department.**

- a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- b. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).
- c. 505.1 Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
- d. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

- e. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- f. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- g. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- h. Submit plot plans indicating access road and turning area for Fire Department approval.
- i. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- j. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- k. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
- l. Entrance to the main lobby shall be located off the address side of the building.
- m. Any required Fire Annunciator panel or Fire Control Room shall be located within a 20ft visual line of sight of the main entrance stairwell or to the satisfaction of the Fire Department.
- n. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- o. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facility.
- p. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.
- q. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY

APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please email [lafdhydrants@lacity.org](mailto:lafdhydrants@lacity.org) You should advise any consultant representing you of this requirement as well.

### **Administrative Conditions of Approval**

5. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
6. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
7. **Department of Building and Safety.** The granting of this determination 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, 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.
8. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
9. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
10. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
11. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
12. **Project Plan Modifications.** Any correction and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yard or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review

and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission or Board.

13. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Department of City Planning with status reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein for development authorized under Ordinance Nos. 168,847 and 180,709.
  - a. Prior to any Department of City Planning clearance of the conditions of approval contained herein for development authorized under Ordinance Nos. 168,847 and 180,709, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Department of City Planning which defines specific reporting and/or monitoring requirements to be enforced during project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of project implementation as follows:
    - i. Pre-construction (prior to issuance of a building permit);
    - ii. Construction (prior to certificate of occupancy); and
    - iii. Post-construction / maintenance (post-issuance of certificate of occupancy).
  - b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Department of City Planning and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.
  - c. If the environmental conditions include post-construction/maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.
  - d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Department of City Planning for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports.
14. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
15. **Expediting Processing Section.** Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.
16. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

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

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes

actions, as defined herein, alleging failure to comply with any federal, state or local law.

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