

CONDITIONS OF APPROVAL

(As modified by the Central Area Planning Commission on October 26, 2021)

1. **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.
2. **Use.** The proposed medical office use shall be permitted on the subject property, above the existing parking structure. The project is an allowed C4 use 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.
3. **Height.** The project shall be limited to a maximum building height of 96 feet, 4 inches, as measured from grade and defined in LAMC Section 12.03, to the highest point of the parapet or structure. Architectural rooftop features as identified in LAMC Section 12.21.1 B.3 may be erected up 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.
4. **Floor Area Ratio (FAR).** The maximum FAR shall be limited to 2.8:1, or 95,995 square feet.
5. **Automobile Parking.** The project shall maintain the existing 562 vehicle parking spaces on-site. There shall be no increase or decrease in parking spaces located within the parking structure. No new parking is required for the proposed new floor area.
 - a. Total vehicle parking for the HPMC campus is 1,346 spaces.
6. **Bicycle Parking.** The project shall provide a minimum of 19 bicycle parking spaces on site, as shown in Exhibit "A." These 19 bicycle parking spaces shall be in addition to any currently existing bicycle parking spaces on-site.
7. **Setback.** No front, side or rear yard setbacks shall be required.
8. **Pedestrian Throughway.** The project site shall maintain the existing Pedestrian Throughway as approved under Case No. DIR-2015-309-SPPA-SPP. No additional pedestrian throughway shall required. The existing Pedestrian Throughway shall abide by the following provisions:
 - a. The entrances shall have signs identifying the passageway as a pedestrian throughway, or paseo, which is publicly accessible.
 - b. The publicly accessible pedestrian throughway shall, at a minimum have hours of operation from sunrise to sunset.
 - c. The pedestrian throughway shall not be permanently closed to the public at any time.

9. 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. Eighteen (18), 36-inch box shade trees shall be provided in the public right-of-way along the project site, subject to the Bureau of Street Services, Urban Forestry Division requirements.
 - ii. There are currently 11 street trees existing along the public right-of-way of the project site. Whether those trees remain or be replaced, shall be determined by the Bureau of Street Services, Urban Forestry Division.
 - iii. 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.
 - iv. 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.
 - v. 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.** Five (5) simple black painted bike racks shall be provided in the public right-of-way along the project site. Bike racks shall be installed three feet from the curb edge or per the City of Los Angeles Department of Transportation requirements.
 - c. **Public Bench.** One (1) public bench, painted black with a backrest, three armrests, and intermediate frame shall be provided and maintained in the public right-of-way along Vermont Avenue subject to the requirements of the Department of Public Works.
10. **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.
 11. **Roof Lines.** There shall be no building roofline that exceeds 40 feet in horizontal length without a break in-line. Roof lines should be broken up through the use of architecturally appropriate means.
 12. **Facade Relief and Elevations.** The southern and eastern elevations shall be revised to provide a break in plane for every 20 feet horizontally and every 30 feet vertically created by an articulation or architecture detail.
 13. **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.

14. **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.
15. **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.
16. **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.
17. **Irrigation Plan.** A final irrigation plan shall be prepared and included.
18. **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.
19. **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.
20. **Future Signage.** All future signs shall be reviewed by Project Planning staff for compliance with the Vermont/Western 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 (Digital Signs) are prohibited. Canned/Cabinet signs should not be used.

Site Plan Review Conditions

21. **No Blank Walls.** The project shall incorporate to the satisfaction of the Department of City Planning, Central Project Planning Division a decorative wall along all façades abutting that includes uniform color, material, and texture that complement the other facades of the structure.
22. **Building Materials.** The project shall provide aesthetic and building materials/elements as depicted in Exhibit A that includes but is not limited to the following: window walls, composite metal panels, accent plaster materials, punched windows, tile, and decorative paving.

23. **Ground Floor Façade.** All portions of the ground floor façade shall be landscaped and screened with trees and shrubs.

Environmental Conditions

24. **Implementation.** The Mitigation Monitoring Program (MMP), attached as Exhibit E and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
25. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two businesses days if the applicant does not correct the non-compliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

26. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The project shall be in substantial conformance with the project design features and mitigation measures in the MMP stamped Exhibit E attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with the project design features and mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the project design features and/or the mitigation measures, the Director of Planning shall provide a written justification supported by substantial evidence as to why the project design feature and/or the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the project is not in substantial conformance to the adopted project design features, mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Zone Change unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the project or the non-environmental conditions of approval.

Administrative Conditions of Approval

27. **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. A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
28. **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.
29. **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.
30. **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.
31. **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.
32. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
33. **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.
34. 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.

35. 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, 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).
- (iii) 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.