

CONDITIONS OF APPROVAL

(As Modified by the South Valley Area Planning Commission at its meeting on May 25, 2023)

Pursuant to Sections 12.24 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. **Building Materials.** A variety of high-quality exterior building materials, consistent with the approved Exhibit "A" plans, shall be used. Substitutes of an equal quality shall be permitted, to the satisfaction of the Department of City Planning.
2. **Design:**
 - a. **Building Façade.** Each building façade shall utilize a minimum of two (2) different materials, as depicted in the plans in Exhibit "A". Windows, doors, balcony/deck railings, and fixtures (such as lighting, signs, etc.) shall not count towards this requirement.
 - b. **Pedestrian Lighting.** The project shall provide pedestrian scale lighting to illuminate the sidewalk at night. Lighting shall be shielded to prevent illumination of nearby residential buildings.
3. **Hours of Operation.** Hours of operation for the car wash shall be from 7:00 a.m. to 7:00 p.m., daily.
4. **Height.** The primary car wash building, which includes the car wash tunnel, shall be limited to a maximum building height of 26 feet, 0 inches. The secondary building consisting of the auto detail center and private office shall be limited to a maximum height of 32 feet, 6 inches.
5. **Parking:**
 - a. **Vehicle Parking.** A minimum of 19 automobile parking stalls shall be provided on site.
 - b. **Bicycle Parking.** Commercial bicycle parking shall be provided consistent with LAMC 12.21 A.16.
6. **Landscaping:**
 - a. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
 - b. Planting of required trees within the public right-of-way shall obtain approval from the Urban Forestry Division prior to obtaining clearance from the Department of City Planning. In the event that a required tree cannot be planted within the public right-of-way, those trees shall be planted on-site.
 - c. The project shall be required to provide a 5-foot-wide landscaped buffer along the property's street frontage on Victory Boulevard pursuant to LAMC Section 12.22 A.28(a)(9)(i).

7. **Trash and Recycling:**
 - a. All trash collection and storage areas shall be located on-site and shall not be visible from the public right-of-way.
 - b. Trash/recycling receptacles shall be locked when not in use.
 - c. Trash/recycling receptacles shall not be placed in, or block access to, required parking.
 - d. Trash receptacles shall be located within a gated, covered enclosure constructed of materials to match the exterior wall materials of the building.
8. **Sustainability:**
 - a. **Solar.** A minimum of 15 percent of the total roof area shall be reserved for the installation of solar panels. The solar panels shall be installed prior to the issuance of a certificate of occupancy. The lowest point of any solar panel may not be more than five feet above the roof line.
 - b. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
9. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
10. **Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.
11. **Maintenance.** The subject property, including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines, shall be maintained in an attractive condition and shall be kept free of trash and debris.
12. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in any street-facing yard, shall be screened with landscaping consistent with LADWP access requirements.
13. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

Environmental Mitigation Measures

14. **Tribal Cultural Resources:**
 - a. **MM-TCR-1.** Prior to commencing any ground disturbance activities at the Project Site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site. Any qualified tribal monitor(s) shall be approved by the Gabrieleño Band of Mission

Indians – Kizh Nation and the Fernandeño Tataviam Band of Mission Indians. Any qualified archaeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources (“OHR”).

If cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall assess the find. Work on the portions of the Project outside of the buffered area may continue during this assessment period. The Gabrieleño Band of Mission Indians – Kizh Nation and the Fernandeño Tataviam Band of Mission Indians shall be contacted about any pre-contact and/or post-contact finds and be provided information after the archaeologist makes their initial assessment of the nature of the find, to provide Tribal input with regards to significance and treatment.

- b. **MM-TCR-2.** The Lead Agency and/or applicant shall, in good faith, consult with the Gabrieleño Band of Mission Indians – Kizh Nation and the Fernandeño Tataviam Band of Mission Indians on the disposition and treatment of any Tribal Cultural Resource encountered during all ground disturbing activities.

Agency Conditions of Approval

15. Fire Department.

- a. Submit plot plans for Fire Department approval and review prior to recordation of City Planning Case.
- b. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- c. 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).
- 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 Requirements:
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. Submit plot plans indicating access road and turning area for Fire Department approval.

- v. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
 - vi. 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.
 - vii. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
 - viii. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
 - ix. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- f. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- g. Site plans shall include all overhead utility lines adjacent to the site.
- h. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
- i. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
- j. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
- k. Standard cut-corners will be used on all turns.
- l. 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.
- m. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

Administrative Conditions of Approval

16. **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.

17. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
18. **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.
19. **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 "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
20. **Code Compliance.** Area, height and use regulations of the zone classifications of the subject property shall be complied with, except where herein conditions are more restrictive.
21. **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.
22. **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.
23. **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.
24. **Corrective Conditions.** The authorized use shall be conducted at all time with due regards to the character of the surrounding district, and the right is reserved to the South Valley Area Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code to impose additional corrective conditions, if in the Commission's or Director's opinion such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
25. **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.

26. 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.