

## CONDITIONS OF APPROVAL

Pursuant to Section 12.22 A.25 of the LAMC, the following conditions are hereby imposed upon the use of the subject property:

### **Development Conditions**

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, landscape plan, renderings, and materials submitted by the applicant, stamped "Exhibit A", and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 45 dwelling units, including affordable units.
3. **Affordable Units:** A minimum of six units, equal to a minimum of 15 percent of the base density, shall be reserved as Very Low Income units, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2), to meet the requirements of the requests herein. In the event of deviations to the requests that change this number of restricted affordable units, the composition/typology of units, and/or vehicle parking numbers, such changes shall be consistent with LAMC Section 12.22 A.25.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to make 15 percent of the site's base density units, equal to six units, available to Very Low Income households, for sale or rental as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22 A.25, to the satisfaction of LAHD. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to Los Angeles 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 LAHD.
5. **Incentives:**
  - a. **Rear Yard Setback.** The project is permitted a rear yard setback of 18 feet five inches in lieu of the otherwise required 20 feet.
  - b. **Open Space.** The project is permitted a 20 percent reduction in the required amount of open space.
  - c. **Floor Area Ratio.** The project is permitted a maximum FAR of 4.5:1 in lieu of the otherwise permitted 3:1.
6. **Waivers of Development Standards:**
  - a. **Side Yard Setback.** The project is permitted a northerly side yard setback, easterly side yard setback, and westerly side yard setback of zero feet in lieu of the otherwise required 17 feet.

- b. Drive Aisle Width and Column Clearance. The project is permitted to provide a drive aisle width of 23 feet five inches in lieu of the otherwise required 27 feet four inches and to waive the requirement for the required column clearance distance of 10 inches.

7. **Parking:**

- a. Minimum automobile parking shall be provided consistent with the provisions of Assembly Bill (AB) 2097 (2021-2022), Section 65915 of the California Government Code, and/or the LAMC.
  - b. In the event that the composition of residential units and/or commercial uses (i.e. the number of bedrooms or square footage of certain commercial uses) changes, or the applicant selects a different Parking Option as provided by State Density Bonus law and the LAMC and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth by Section 65915 of the California Government Code and/or LAMC Section 12.22 A.25.
  - c. Bicycle Parking. Residential bicycle parking shall be provided consistent with LAMC 12.21 A.16.
  - d. Unbundling. Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable units which shall include any required parking in the base rent or sales price, as verified by LAHD.
  - e. All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
8. **Circulation.** The applicant shall submit a parking and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval. The project shall minimize the number of curb cuts on the subject property, to the satisfaction of LADOT.
9. **Signage.** On-site signs shall comply with the Municipal Code. Signage rights are not part of this approval.
10. **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.
11. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
12. **Solar Energy Infrastructure.** The Project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

13. **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.

### **Environmental Conditions**

14. **MM CUL-1.** Prior to any demolition or construction activity, the garage at 6422 Selma Avenue will be documented to Historic American Buildings Survey (HABS) Level 2 standards, according to the outline format described in the Historic American Building Survey Guidelines for Preparing Written Historical Descriptive Data. Photographic documentation should follow the Photographic Specification– Historic American Building Survey, including 10-15 archival quality, large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details should be documented, especially noting the measurements, hardware, and other features that tie architectural elements to a specific date. If original architectural plans are located, they should be archivally reproduced, following HABS standards. Three copies of the HABS documentation package, with one copy including original photo negatives, will be produced, with at least one copy placed in an archive or history collection accessible to the general public.
15. **MM CUL-2.** Additional review of the project by Los Angeles City Planning's Office of Historic Resources (OHR) will only be required if, during construction, more than 10% of the materials currently proposed for retention cannot be retained as planned. For example, if after removal and storage of the wooden trusses it is discovered that 5 percent more of the wood must be replaced prior to reinstallation, no additional review will be required and the wood elements of the truss that require replacement will be made in-kind. However, if 15 percent more of the brick walls must be removed than is currently planned (33 percent), subsequent review of the construction plans would be required by OHR.
16. **MM CUL-3.** Develop at least two interpretative signs or murals that would communicate the significance of the garage at 6422 Selma Avenue to the Hollywood community. This could consist of a permanent interpretive exhibit that would incorporate information from historic photographs, HABS documentation, or other materials to highlight the building's association with the automobile and the significance of the automobile to Hollywood. The interpretive signs should be developed by a team that includes a Secretary of the Interior (SOI) qualified historian. At least one of the signs should be located near the Selma entrance to the garage to be accessible by the general public. The second mural could be located on the interior of the garage.
17. **MM CUL-4.** Prior to the start of construction, surveys shall be performed to document the conditions of the masonry of the remaining walls at 6422 Selma Avenue as well as the Gilbert Hotel building. A structural monitoring program shall be implemented and recorded during construction to ensure that ground borne vibration levels do not exceed 0.12 inches per second, peak particle velocity (PPV). The structural monitoring plan shall include documentation, consisting of video and/or photographic documentation of accessible and visible areas on the exterior of the buildings. A historic architect (meeting the SOI's Professional Qualification Standards) or structural engineer with experience with historic masonry buildings shall establish baseline structural conditions of the building and prepare the shoring design. Additionally, a qualified acoustical engineer shall be retained to review the proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the Project Site during demolition and excavation phases where heavy construction

equipment (e.g., large bulldozer and drill rig) would be operating within 15 feet of the affected buildings.

The vibration monitoring system shall measure and continuously store the PPV in inch/second. Vibration data shall be stored on a one-second interval. The system shall also be programmed for two preset velocity levels: a warning level of 0.07 inch/second (PPV) and a regulatory level of 0.12 inch/second (PPV). The system shall also provide real-time alert when the vibration levels exceed either of the two preset levels.

- In the event the warning level of 0.07 inch/second (PPV) is triggered, the contractor shall identify the source of vibration generation and provide steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.
- In the event the regulatory level of 0.12 inch/second (PPV) is triggered, the contractor shall halt the construction activities and visually inspect the Baker Garage for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide steps to reduce the vibration level. Vibration measurement shall be made with the new construction method to verify that the vibration level is below the warning level of 0.07 inch/second (PPV). Construction activities may then restart.
- In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant.

The structure-monitoring program shall be submitted to the City of Los Angeles Department of Building and Safety (LADBS) and received into the case file for the associated discretionary action permitting the Project prior to initiating any construction activities.

18. **MM CUL-5.** Inadvertent discovery of archaeological resources.

- If any archaeological materials are encountered during the course of Project development, all further development activity in the vicinity of the materials shall halt and:
- The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact;
- The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource; and
- The Project Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study, or report. Project development activities may resume once copies of the archaeological survey, study or report are submitted to:

South Central Coastal Information Center  
Department of Anthropology

McCarthy Hall 477  
CSU Fullerton  
800 North State College Boulevard  
Fullerton, CA 92834

- Prior to the issuance of any building permit, the Project Applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
  - A covenant and agreement binding the Project Applicant to this condition shall be recorded prior to the issuance of a grading permit.
19. **MM GEO-1.** In the event that paleontological resources are unearthed during ground-disturbing activities, the City of Los Angeles Department of Building and Safety will be notified immediately, and all work will cease in the area of the find until a qualified paleontologist evaluates the find. Construction activity may continue unimpeded on other portions of the Project Site. The paleontologist shall determine the location, the time frame, and the extent to which any monitoring of earthmoving activities shall be required. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California PRC Section 21083.2.
20. **MM NOI-1.** Noise-generating equipment operated at the Project Site shall be equipped with noise control devices, such as mufflers, lagging (enclosures for exhaust pipes), and/or motor enclosures capable of reducing construction equipment noise by 10 dBA. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
21. **MM NOI-2.** Prior to the start of construction, surveys shall be performed to document the conditions of the masonry of the remaining walls at 6422 Selma Avenue as well as the Gilbert Hotel building. A structural monitoring program shall be implemented and recorded during construction to ensure that ground borne vibration levels do not exceed 0.12 inches per second, peak particle velocity (PPV). The structural monitoring plan shall include documentation, consisting of video and/or photographic documentation of accessible and visible areas on the exterior of the buildings. A historic architect (meeting the SOI's Professional Qualification Standards) or structural engineer with experience with historic masonry buildings shall establish baseline structural conditions of the building and prepare the shoring design. Additionally, a qualified acoustical engineer shall be retained to review the proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the Project Site during demolition and excavation phases where heavy construction equipment (e.g., large bulldozer and drill rig) would be operating within 15 feet of the affected buildings.

The vibration monitoring system shall measure and continuously store the PPV in inch/second. Vibration data shall be stored on a one-second interval. The system shall also be programmed for two preset velocity levels: a warning level of 0.07 inch/second (PPV) and a regulatory level of 0.12 inch/second (PPV). The system shall also provide real-time alert when the vibration levels exceed either of the two preset levels.

- In the event the warning level of 0.07 inch/second (PPV) is triggered, the contractor shall identify the source of vibration generation and provide steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

- In the event the regulatory level of 0.12 inch/second (PPV) is triggered, the contractor shall halt the construction activities and visually inspect the Baker Garage for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide steps to reduce the vibration level. Vibration measurement shall be made with the new construction method to verify that the vibration level is below the warning level of 0.07 inch/second (PPV). Construction activities may then restart. In the event damage occurs to historic finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant.

The structure-monitoring program shall be submitted to the City of Los Angeles Department of Building and Safety (LADBS) and received into the case file for the associated discretionary action permitting the Project prior to initiating any construction activities.

22. **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, auguring, backfilling, blasting, stripping topsoil or a similar activity at the project site. Any qualified tribal monitor(s) shall be approved by the Gabrieleno/Tongva San Gabriel Band of Mission Indians tribe. Any qualified archaeological monitor(s) shall be approved by OHR.
- i. The qualified archeological and tribal monitors shall observe all ground disturbance activities on the Project Site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the Project Site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archaeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.
  - ii. Prior to commencing any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.
  - iii. In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- iv. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and OHR.
  - v. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
  - vi. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.
  - vii. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.
  - viii. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the SCCIC at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
  - ix. Notwithstanding paragraph 8 above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's Assembly Bill 52 Confidentiality Protocols.
23. **MM TCR-2.** In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the City to develop an appropriate treatment plan for the resources if they are determined to be potentially eligible for the California Register or potentially qualify as unique archaeological resources pursuant to CEQA. In the event the archaeological resources are prehistoric, the archaeological monitor shall coordinate with the Applicant and the City to retain a Native American Representative from the Gabrieleno/Tongva San Gabriel Band of Mission Indians tribe to help determine the appropriate treatment for the resources and whether Native American construction monitoring is warranted in the area of the find thereafter. If avoidance of the resource is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource from the Project Site.

### **Administrative Conditions**

24. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews 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.
25. **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.
26. **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.
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 staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
28. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
29. **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.
30. **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 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.
31. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
32. **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.



33. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

34. **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 (ii).
- 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 in paragraph (ii).
- e. 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 include 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.