

## CONDITIONS OF APPROVAL

Pursuant to Sections 16.05, 12.28, and 12.24 of the LAMC, the following conditions are hereby imposed upon the use of the project site:

### Development Conditions

- 1 **Site Development.** The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated February 13, 2024, except as may be revised as a result of this action.
- 2 **Use.** The Project shall be limited to two 23-story, maximum 268.5-foot-high mixed-use buildings with 760 dwelling units and 6,359 square feet of commercial space with a total floor area of 660,040 square feet.
- 3 **Parking.** Automobile parking shall be provided consistent with the LAMC and/or Assembly Bill (AB) 2097. A greater number than the minimum required may be provided at the applicant's discretion. In the event that the number of On-Site Restricted Affordable Units should increase, or the composition of such units should change, then no modification of this determination shall be necessary, and the number of vehicle parking spaces shall be re-calculated consistent with LAMC Section 12.22 A.25.
- 4 **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.
- 5 **Bicycle Parking.** On-site bicycle parking shall be provided in accordance with LAMC Sections 12.21 A.16(a)(1)(i) and 12.21 A.16(a)(2).
- 6 **Voluntary On-Site Restricted Affordable Units.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to make 38 units available to Low Income Households and 38 units available to Moderate Income Households, or equal to 10 percent of the project's proposed residential density, based on LAHD Land Use Schedule I, 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 provided that five (5) percent of the total units are reserved for Low Income Households and (5) percent of the total units are reserved for Moderate Income Households, to the satisfaction of LAHD. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall submit 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 LAHD.

### Site Plan Review Conditions

6. **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.

7. **Pedestrian access.** Pedestrian access shall be provided along Harvard Boulevard, 7<sup>th</sup> Street, and Kingsley Drive.
8. **Sustainability.**
  - a. Solar - 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.
  - b. Prior to the issuance of the Certificate of Occupancy, the applicant shall install solar panels on fifteen percent of the rooftop space and comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
9. **Landscaping.** All open areas not used for buildings, driveways, parking areas, or recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape development plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
10. **Trees.** Except as additionally conditioned herein, a submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." Proposed trees shall have a minimum trunk diameter of two inches and a height of eight feet at the time of planting.
11. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall) and shall be consistent with LADWP access requirements.
12. **Signage.** On-site signs shall be limited to the maximum allowable under the Los Angeles Municipal Code and shall be in substantial conformance with those shown in Exhibit A, which shall be of an identifying nature only, shall not be of a flashing or animated type, and shall be arranged and located so as not to be a distraction to adjacent residential zones or uses.
13. **Exterior or Roof Structures.** Any structures on the roof, such as air conditioning units and other mechanical equipment, shall be fully screened (with such screening material incorporated in the design of the project) from view from any abutting properties and set back as far as possible from residential property lines and sound proofed.
14. **Lighting** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
15. **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.
16. **Trash Collection and Deliveries (Vehicle Loading and Unloading).** Trash pick-up, compacting, loading and unloading and receiving deliveries shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday. No trash

collection or deliveries shall occur on Sunday. All deliveries shall occur so as not to be visible from adjacent residential properties.

### **Environmental Conditions – Mitigation Measures**

#### Air Quality

- MM-1. All off-road construction equipment greater than 50 hp shall meet U.S. EPA Tier 4 emission standards, where available, to reduce NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions at the project site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
- MM-2. To minimize fugitive dust emissions from material movement and from haul trips with an empty load, import and export of soils during the grading phases shall be phased such that a round trip haul truck will include export and import of soils.

#### Noise

- MM-3. All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices capable of achieving a sound attenuation of at least 3 dBA.
- MM-4. All construction areas for staging and warming-up equipment shall be located as far as feasible from Emmaus Village Church and 7<sup>th</sup> Street Residences.
- MM-5. Portable noise sheds for smaller, noisy equipment such as air compressors, dewatering pumps, and generators shall be provided as feasible.
- MM-6. Temporary sound barriers capable of achieving a sound attenuation of at least 10 dBA shall be erected to obstruct line of sight noise travel from the project site to Emmaus Village Church and 7<sup>th</sup> Street Residences.
- MM-7. When operating along 7<sup>th</sup> Street, concrete pumping trucks and concrete mixing trucks shall be shielded by temporary sound barriers to obstruct line of sight noise travel between these vehicles and 7<sup>th</sup> Street Residences. These barriers shall be capable of attenuating noises from concrete pumping activities by at least 10 dBA. Additionally, these vehicles shall maintain a distance of no less than 65 feet from residences along 7<sup>th</sup> Street while operating simultaneously in tandem.
- MM-8. When operating along Harvard Boulevard, concrete pumping trucks and concrete mixing trucks shall be shielded by temporary sound barriers to obstruct line of sight noise travel between these vehicles and Emmaus Village Church. These barriers shall be capable of attenuating noises from concrete pumping activities by at least 10 dBA. Additionally, these

vehicles shall maintain a distance of no less than 65 feet from Emmaus Village Church while operating simultaneously in tandem.

A. **Administrative Conditions**

18. **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.
19. **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.
20. **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.
21. **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.
22. **Code Compliance.** All area, height and use regulations of the zone classification of the project site shall be complied with, except wherein these conditions explicitly allow otherwise.
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 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.
25. **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.

26. **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.
27. **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.

**A. 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.