

CONDITIONS OF APPROVAL
As modified by the City Planning Commission on April 27, 2017

Pursuant to Sections 12.22-A.25, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural plans, renderings, and materials submitted by the Applicant, stamped "Exhibit A," dated April 17, 2017 and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 364 residential dwelling units, consisting of 44 units set aside for Very Low Income Households.

The density allocated in the (T)(Q)R3-1 and C2-1 Zones may be redistributed provided that the overall density of the project does not exceed 364 dwelling units and does not exceed the base density permitted in each zone.

3. **Affordable Units.**
 - a. A minimum of forty-four (44) units, that is 11 percent of the base dwelling units permitted in the (T)(Q)R3-1 and C2-1 Zone, shall be reserved as Very-Low Income units, as defined by the State Density Bonus Law 65915 (C)(2).
 - b. Changes in Restricted Units. Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers 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 the Los Angeles Housing and Community Investment Department (HCIDLA) to make forty-four (44) units available to Very-Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present 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 HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
5. **Incentives.**
 - a. **Floor Area Ratio (FAR).** The easterly portion of the project site located within the C2-1 Zone may be permitted a maximum FAR of 3:1.
 - b. **Access.** The project may permit pedestrian and vehicular access between the C2-1 Zone and (T)(Q)R3-1 Zone.
6. **Open Space.** The project shall provide open space in accordance with LAMC Section 12.21-G. Planting of required trees within the public right-of-way shall obtain approval

from the Urban Forestry Division prior to obtaining approval from the Department of City Planning.

7. **Landscaping.** Any trees that are required pursuant to LAMC Section 12.21-G and are planted on any rooftop or podium shall be planted in a minimum three (3) foot planter.
8. **Air Quality.** An air filtration system shall be installed and maintained with filters meeting or exceeding the ASHRAE Standard 52.2 Minimum Efficiency Reporting Value (MERV) of 11 for the west facing dwelling units located along Langdon Avenue and are located within 1,000 feet of the San Diego Freeway (405 Freeway). The air filtration system shall be installed to the satisfaction of the Department of Building and Safety.

During operation, the Applicant or its successor shall verify that all air filters are properly maintained through inspection, self-certification, survey, or other equally effective measure. In addition, the Applicant or its successor shall be responsible for the replacement of all air filters at intervals to be established by the heating, ventilation and air conditioning (HVAC) system manufacturer. The Applicant or its successor shall retain, and make available to the City upon request, maintenance records related to the inspection and replacement of all air filters for at least 5 years after the recorded inspection date. The Applicant or its successor shall also ensure that long term funding for air filter maintenance and replacement is available.

9. **Sustainability.**
 - a. 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. The project shall install one solar panel per dwelling unit prior to the issuance of a Certificate of Occupancy.

10. **Parking.**
 - a. Residential automobile parking shall be provided consistent with LAMC Section 12.22-A,25. Reductions in the required automobile parking shall be consistent with the requirements of bicycle replacement pursuant to LAMC Section 12.21-A,4.
 - b. Tenants of the market rate residential dwelling units shall have the option to lease parking spaces separately from the residential dwelling units. Parking spaces for Restricted Affordable Units shall be sold or rented consistent with LAMC Section 12.22-A,25(d).
 - c. Adjustment of Parking. In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) 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 pursuant to LAMC Section 12.22-A,25.
 - d. **Electric Vehicle Parking.** The project shall include at least twenty percent (20%) of the total Code-required parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and

electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Of the 20% EV Ready, five (5) percent of the total Code-required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20% or 5% results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

- e. **Bicycle Parking.** Residential bicycle parking shall be provided consistent with LAMC 12.21-A,16.

- 11. **Construction.** The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.
- 12. **Noise.** All exterior windows having a line of sight of a Boulevard (Major or Secondary Highway) shall be constructed with double-pane glass and use exterior wall construction which provides a Sound Transmission Coefficient (STC) value of 50, as determined in accordance with ASTM E90 and ASTM E413, or any amendment thereto. Or, the applicant, as an alternative, may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

B. Environmental Conditions:

- 13. **Aesthetics (Light).** 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.
- 14. **Biological Resources (Habitat Modification: Nesting Native Birds, Non-Hillside or Urban Areas).** Project activities (including disturbances to native and nonnative vegetation, structures, and substrates) should take place outside of the breeding season for birds, which generally runs from March 1 to August 31 (and as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code, Section 86).

If Project activities cannot feasibly avoid the breeding season, beginning 30 days prior to the disturbance of suitable nesting habitat, the Project Applicant shall:

- a. Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the Project Site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis, with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
- b. If a protected native bird is found, the Project Applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.

- c. Alternatively, the qualified biologist could continue the surveys to locate any nests. If an active nest is located, clearing and construction (within 300 feet of the nest or as determined by a qualified biological monitor) shall be postponed until the nest is vacated and juveniles have fledged, and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
 - d. The Project Applicant shall record the results of the recommended protective measures described previously to document compliance with applicable State and federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the Project.
15. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.

All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

Removal or planting of any tree in the public right-of-way requires approval of Board of Public Works. All trees in the public right-of-way shall be provided per the current standards of the Department of Public Works, Urban Forestry Division, Bureau of Street Services.

16. The plans shall incorporate the Design Guidelines (defined in the following sentence) relative to security, semipublic and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

17. Increase Noise Levels (Demolition, Grading and Construction Activities).

- a. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, must be turned off when not in use for more than 30 minutes.
- b. Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- c. Stationary construction equipment, such as pumps, generators, or compressors, must be placed as far from noise sensitive uses as feasible during all phases of project construction.

- d. Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers, sound walls, or noise blankets around stationary construction noise sources.

18. **Traffic (Work Area Traffic Management Plan)** The Project Applicant shall submit a formal Work Area Traffic Control Plan for review and approval by the Department of Building and Safety prior to the issuance of any construction permits. This plan shall incorporate safety measures around the site to reduce the risk to pedestrian traffic near the work area. This plan shall identify traffic control measures, signs, delineators, and work instructions to be implemented by the construction contractor through the duration of demolition and construction activity.

19. **Traffic (School access and safety coordination)**

- a. The developer and contractors shall maintain ongoing contact with administrator of Langdon Avenue Elementary School and Our Lady of Peace Catholic Church. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (213)580-2950 or (213)580-2900 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.
- b. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- c. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on Langdon Avenue, or any streets adjacent to the school.
- d. Due to noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on any streets adjacent to the school.

C. Administrative Conditions

20. **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.

21. **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.

22. **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.

23. **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.

24. **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.
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. **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.
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.
28. **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.