

## CONDITIONS OF APPROVAL

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, West/South/Coastal 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 Los Angeles Municipal Code or the project conditions. Should the project design have substantial design changes, the project shall be scheduled for a City Planning Commission hearing for review prior to final sign-off.
2. **Floor Area Ratio.** The project shall be limited to a maximum floor area ratio ("FAR") of 2:1.
3. **Land Use.** Any new use or change of use shall be subject to the use regulations set forth in Table V-1 of the CPIO.
4. **Height (CPIO Amendment).**
  - a. The project shall be limited to 22 stories and 320 feet in height per Exhibit "A".
  - b. The maximum individual floor height shall be up to 37 feet and with atrium space up to 52 feet in height in lieu of the otherwise allowed 14 feet and 25 feet, respectively per CPIO Section V-2(A)(1)(e)..
5. **Transitional Height (ZAD).** Transitional height requirements of LAMC Section 12.21.1.A.10 shall not apply.
6. **Community Plan Implementation Overlay.** Prior to the issuance of a building permit, the applicant shall demonstrate compliance with the West Adams - Baldwin Hills - Leimert Community Plan Implementation Overlay (CPIO) pursuant to Ordinance No. 184794.
7. **Open Space.** The project shall provide a minimum of 100,054 square feet of publicly accessible open space per Exhibit "A".
8. **Zoning.** The project shall comply with all other requirements of the CM-2D-CPIO zone.
9. **Waiver of Street Improvement (BOE).**

Jefferson Boulevard - Construct additional concrete sidewalk in the public right-of-way to complete a 10-foot sidewalk. The applicant may obtain a revocable permit from the Central District Office of the Bureau of Engineering for additional landscaping proposed in the dedicated right-of-way.
10. **Automobile Parking.** The project shall provide commercial parking at a rate of one (1) space per 500 square feet of floor area as required by the Los Angeles Municipal Code ("LAMC") Section 12.21.A.4(c). Pursuant to Section V-2.E of the West Adams – Baldwin Hills – Leimert Community Plan Implementation Overlay ("CPIO") the project shall provide commercial parking at a maximum of 90% of the parking otherwise required by the Los Angeles Municipal Code ("LAMC") Section 12.21.A.4(c).

11. **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.
12. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
13. **Landscape Plan.** The project shall provide a minimum of 47,854 square feet of landscaped open space per Exhibit "A"
14. **Streetscape Plan.** The project shall be in substantial conformance with the Streetscape, Mobility, and Open Space guidelines enumerated in Appendix A of the West Adams – Baldwin Hills – Leimert Community Plan Implementation Overlay.
15. **Street Trees.** Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by Urban Forestry Division of the Bureau of Street Services. Parkway tree removals shall be replanted at a 2:1 ratio. All street tree plantings shall be brought up to current standards. Street Trees shall be in conformance with Streetscape guidelines enumerated in Appendix A of the CPIO.
16. **Lighting.** All pedestrian walkways and vehicle access points will be well-lit. All outdoor lighting will be shielded to prevent excessive illumination and mitigate light impacts on adjacent residential properties and the public right-of-way. Utilize adequate, uniform, and glare-free lighting, such as dark-sky compliant fixtures, to avoid uneven light distribution, harsh shadows, and light spillage.
17. **Lighting.** All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
18. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
19. Or: Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators shall be used during construction. (WL)
20. **Solar-ready Buildings.** 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.
21. **Signage.** There shall be no off-site commercial signage on construction fencing during construction. As an Amendment to the West Adams-Baldwin Hills-Leimert Park Community Plan Implementation Overlay, Parcel E, the project shall be prohibited from providing off-site and digital signage as well as billboards.
22. **Security Devices.** Exterior roll-down doors shall be no less than 75 percent transparent.

## Environmental Conditions

23. **AE2** Any approval of a Discretionary project or “*Active Change Area Project*”, shall ensure that all lighting be directed and/or shielded to minimize lighting spillover effects onto adjacent and nearby properties.

**AE3** Any approval of a Discretionary project or “*Active Change Area Project*”, shall ensure that glare effects be limited by using non-reflective building and construction materials, such as concrete, wood, and stucco. This shall include, but not be limited to, art installations, fencing material, and recreational equipment.

24. **AQ1** Any approval of a Discretionary project or “*Active Change Area Project*”, shall ensure that all contractors include the following best management practices in contract specifications:

- Use properly tuned and maintained equipment.
- Contractors shall enforce the idling limit of five minutes as set forth in the California Code of Regulations.
- Use diesel-fueled construction equipment to be retrofitted with after treatment products (e.g. engine catalysts) to the extent they are readily available and feasible.
- Use heavy-duty diesel-fueled equipment that uses low NOx diesel fuel to the extent it is readily available and feasible.
- Use construction equipment that uses low polluting fuels (i.e. compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent available and feasible.
- Maintain construction equipment in good operating condition to minimize air pollutants.
- All off-road diesel-powered construction equipment greater than 50 horsepower shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with Best Available Control Technologies devices certified by the California Air Resources Board (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.
- Construction contractors shall use electricity from power poles rather than temporary gasoline or diesel power generators, as feasible.
- Use building materials, paints, sealants, mechanical equipment, and other materials that yield low air pollutants and are nontoxic.

- Construction contractors shall utilize super-compliant architectural coatings as defined by the South Coast Air Quality Management District (VOC standard of less than ten grams per liter).
  - Construction contractors shall utilize materials that do not require painting, as feasible.
  - Construction contractors shall use pre-painted construction materials, as feasible.
  - Construction contractors shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
  - Construction contractors shall provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site as feasible.
  - Construction contractors shall reroute construction trucks away from congested streets or sensitive receptor areas as feasible.
  - Construction contractors shall appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
25. **BR1** Any approval of a Discretionary project or “*Active Change Area Project*” shall ensure that in order to prevent the disturbance of nesting native and/or migratory bird species, all clearing of a project site should take place between September 1 and February 14. If construction is scheduled or ongoing during bird nesting season (February 15 to August 31), qualified biologists shall survey the area within 200 feet (or up to 300 feet, depending on topography or other factors, and 500 feet for raptors) of the construction activity to determine if construction would disturb nesting birds. If nesting activity is being compromised, construction shall be suspended in the vicinity of the nest until fledging is complete. This mitigation measure shall be implemented by a qualified biologist under contract with the project applicant(s). The project biologist should prepare a report detailing the results of the construction monitoring efforts. The report should be submitted to the California Department of Fish and Wildlife (CDFW) within two months of the completion of the monitoring activities.
26. **CR5** Any approval of a Discretionary project or “*Active Change Area Project*” shall ensure that prior to excavation and construction on a proposed project site, the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the proposed project site.
- CR6** Any approval of a Discretionary project or “*Active Change Area Project*” shall ensure that if during any phase of project construction any cultural materials are encountered, construction activities within a 50-meter radius shall be halted immediately, and the project applicant shall notify the City. A qualified prehistoric archaeologist (as

approved by the City) shall be retained by the project applicant and shall be allowed to conduct a more detailed inspection and examination of the exposed cultural materials. During this time, excavation and construction would not be allowed in the immediate vicinity of the find. However, those activities could continue in other areas of the project site.

**CR7** Any approval of a Discretionary project or “*Active Change Area Project*” shall ensure that if any find were determined to be significant by the archaeologist, the City and the archaeologist would meet to determine the appropriate course of action.

**CR8** Any approval of a Discretionary project or “*Active Change Area Project*” shall ensure that all cultural materials recovered from the site would be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.

**CR9**<sup>1</sup>Any approval of a Discretionary project or “*Active Change Area Project*” shall ensure that during excavation and grading, if paleontological resources are uncovered, all work in that area shall cease and be diverted so as to allow for a determination of the value of the resource. Construction activities in that area may commence once the uncovered resources are collected by a paleontologist and properly processed. Any paleontological remains and/or reports and surveys shall be submitted to the Los Angeles County Natural History Museum.

**CR10** Any approval of a Discretionary project or “*Active Change Area Project*” shall ensure that if human remains are unearthed at a project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City of Los Angeles Public Works Department and County coroner shall be immediately notified. No further disturbance shall occur until the Los Angeles County Coroner has made the necessary findings as to origin and disposition in accordance with California Health and Safety Code Section 7050.5. If the remains are determined to be those of a Native American, the Native American Heritage Commission (NAHC) in Sacramento shall be contacted before the remains are removed in accordance with Section 21083.2 of the California Public Resources Code.

27. **GHG1** Any approval of a Discretionary project or “*Active Change Area Project*” shall ensure that the following greenhouse gas reduction measures are incorporated into the project design:

Install energy efficient lighting (e.g., light emitting diodes), heating and cooling systems, appliances, equipment, and control systems).

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<sup>1</sup> Mitigation Measure CR9 was provided in the Cultural Resources section of the Certified EIR. However, as a result of the changes to the CEQA Guidelines described previously in Section 3 of this Addendum, the issue of paleontological resources is now addressed within the Geology and Soils section. Therefore, for the 5850 Project, Mitigation Measure CR9 is discussed under Geology and Soils, in Exhibit E.

Install light colored “cool” roofs and cool pavements.

Create water-efficient landscapes.

Install water-efficient fixtures and appliances.

28. **HM1** Any approval of a Discretionary project or “Active Change Area Project” that involves new construction that will involve soil disturbance shall ensure that a Phase I Environmental Site Assessment (ESA) is prepared. The assessment shall be prepared by a Registered Environmental Assessor (REA) in accordance with State standards/guidelines to evaluate whether the site or the surrounding area is contaminated with hazardous substances from the potential past and current uses including storage, transport, generation, and disposal of toxic and hazardous waste or materials. Depending on the results of this study, further investigation and remediation may be required in accordance with local, State, and federal regulations and policies. Any further study found necessary by an REA or relevant federal, state or local agency shall be performed prior to project approval and any remediation found necessary by the REA or any relevant federal, state or local agency shall be performed prior to project approval or made a condition on the project if that is found to be adequate for remediation by an REA or the relevant federal, state or local agency.
29. **PDF-1** Prior to the issuance of a grading permit, the Project Applicant will prepare a Soil Management Plan (SMP), which will include protocols to identify impacts, perform confirmation sampling, and segregate excavated material, followed by stockpiling, transportation, disposal, and other appropriate measures. The SMP will be accompanied by a worker health and safety plan and appropriate air quality monitoring during such activities.
30. **N1** Any approval of a Discretionary project or “Active Change Area Project” shall ensure that all contractors include the following best management practices in contract specifications:
- Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences.
  - The construction contractor shall locate construction staging areas away from sensitive uses.
  - When construction activities are located in close proximity to noise-sensitive land uses, noise barriers (e.g., temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses.
  - Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving.

- Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements.
- The construction contractor shall use on-site electrical sources to power equipment rather than diesel generators where feasible.

31. **PDF-2** All diesel-fueled equipment will use advanced mufflers that reduce noise levels by more than 10 dBA  $L_{max}$  at 50 feet of distance to ensure compliance with LAMC Section 112.05.

**PS1** Discretionary projects in the CPIO or the Crenshaw Corridor Specific Plan shall be reviewed at the discretion of the Los Angeles Police Department (LAPD). Per department standards, the LAPD will determine if any additional crime prevention and security features would be available that are consistent with the development standards as applied to the design of the project. Any additional design features identified by the LAPD shall be incorporated into the project's final design and to the satisfaction of LAPD, prior to issuance of a Certificate of Occupancy for the project.

32. **Inadvertent discovery of tribal cultural resources:** If 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 on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

Upon a discovery of a potential tribal cultural resource, the project permittee 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; and (2) the Department of City Planning at (213) 978-1454.

If the City determines, pursuant to PRC Section 21074(a)(2), that the object or artifact appears to be a tribal cultural resource, 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 project permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

The project permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.

The project permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project permittee shall not be allowed to recommence ground disturbance activities until the City approves this plan.

If the project permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project permittee may request mediation by a mediator agreed to by the permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project permittee shall pay any costs associated with the mediation.

The project permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.

Copies of any subsequent prehistoric archaeological study or 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.

Notwithstanding the above, any information determined to be confidential in nature by the City Attorney's office shall be excluded from submission to the SCCIC or the public under the applicable provisions of the California Public Records Act, California PRC, and shall comply with the City's AB 52 Confidentiality Protocols.

33. **CR4** Any approval of a Discretionary project or "Active Change Area Project" shall ensure that prior to excavation and construction on a proposed project site, the project applicant shall perform a cultural resources literature and records search by an institution recognized and approved by the City of Los Angeles Planning Department to assess the potential for the proposed project site to contain sensitive protected cultural resources.

### **Administrative Conditions**

34. **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 "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
35. **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.
36. **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.



37. **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.
38. **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.
39. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
40. **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).

(iv) 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.