

## CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on March 13, 2025)

1. **Site Development.** The project shall be in substantial conformance with the plans and materials submitted by the Applicant, including the proposed building design elements and materials, stamped Exhibit "A," with a date of November 12, 2024, attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Project Planning Bureau, 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 LAMC or the project conditions.
2. **Use.** Approved herein is the construction, use, and operation of a 125-guest room hotel.
3. **Height.** The project shall be limited to a maximum height of 76 feet 6 inches per Exhibit "A".
4. **Floor Area Ratio (FAR).** The project total Floor Area shall be limited to 77,828 square feet or 2.99:1 FAR per Exhibit "A".
5. **Parking Per AB 2097.** The project shall be permitted to provide a minimum of zero parking space pursuant to California Government Code Section 65863.2 (AB 2097). 84 parking spaces are provided, however, as shown in Exhibit "A".
6. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.
7. **Building Design.** The project shall incorporate a combination of varied rooflines, recesses, and changes in building materials to add architectural interest and create distinct breaks in the building plane, as provided in Exhibit "A".
  - a. The applicant shall work with the Department of City Planning's Urban Design Studio to increase articulation on all facades of the buildings including the alley frontages and to include vertical elements subject to the review and approval of the Director of Planning.
8. **Trash and Recycling.**
  - a. All trash storage and collection areas shall be located on-site and shall not be visible from the public right-of-way.
  - b. Trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof, at all times.
  - c. Trash/recycling containers shall be locked when not in use.
9. **Mechanical Equipment.** All exterior mechanical equipment, including heating, ventilation and air conditioning (HVAC) equipment, satellite dishes, and cellular antennas, shall be screened from public view through the use of architectural elements such as parapets, as provided in Exhibit "A".
10. **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).

11. **Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.

12. **Alleyway.**

- a. **Decorative Wall.** A wall system with trellises and a decorative metal green screen shall be constructed along the alleyway facing facades that are not used for driveways, entryways and commercial storefronts. The trellises shall include live plantings, where appropriate, and a maintenance plan of the wall shall be submitted for review and approval by the Director of Planning prior to building permit sign-off.
- b. A pedestrian entrance with glazing shall be located along the facades facing the alleyway.
- c. Lighting fixtures shall be installed on the project site so as to illuminate the adjacent alleyway in the following manner:
  - i. These lighting fixtures shall be shielded and down-cast in a manner that prevents the illumination of adjacent properties and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
  - ii. Lighting fixtures shall accent and complement architectural details.
  - iii. Lighting fixtures for the purpose of alleyway illumination shall not be taller than 15 feet above grade.

13. **Heat Island Effect.** To reduce the heat island effect, a minimum of 50 percent of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.

14. **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.

15. **Landscape Plan.** Revised landscape plans shall be submitted to show the size and location of all plants. The landscape plan shall indicate landscape points for the Project as required by LAMC 12.40 and Landscape Ordinance Guidelines "O". All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be landscaped, including an automatic irrigation system, and maintained in accordance with a final landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning. The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, Exhibit "A," and shall incorporate any modifications required as a result of this grant.

16. **Soil Depths.** Shrubs, perennials, and groundcover shall require a minimum soil depth as follows:

- a. A minimum depth with a height ranging from 15 to 40 feet shall be 42 inches.
- b. A minimum depth with a height ranging from 1 to 15 feet shall be 24 to 36 inches.

c. A minimum depth with a height of less than 1 foot shall be 18 inches.

d. A minimum depth of an extensive green roof shall be 3 inches.

Trees shall require a 42-inch minimum soil depth.

Further, the minimum amount of soil volume for tree wells on the rooftop or any above grade open spaces shall be based on the size of the tree at maturity:

e. 220 cubic feet for trees with a canopy diameter ranging from 15 to 19 feet.

f. 400 cubic feet for trees with a canopy diameter ranging from 20 to 24 feet.

g. 620 cubic feet for trees with a canopy diameter ranging from 25 to 29 feet.

h. 900 cubic feet for trees with a canopy diameter ranging from 30 to 34 feet.

17. **Street Trees.** Street trees shall be provided to the satisfaction of the Urban Forestry Division.

18. **Stormwater/irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.

19. **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.

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.

22. **Community Plan Implementation Overlay.** The proposed project is vested and therefore not subject to the objective planning standards of the South Los Angeles Community Plan Implementation Overlay (CPIO) pursuant to Ordinance Nos. 185,927 and 188,312. A future development, however, that is not consistent with the subject Case No. CPC-2018-3544-GPA-VZC-HD-CU-SPR shall comply with the San Pedro CPIO District, including the South LA CPIO District, including the Neighborhood-Serving Corridor (Subarea A) regulations.

### **Environmental Conditions**

23. **MM-GEO-1: Soil Condition.** Prior to the issuance of grading or building permits, the applicant would be required to submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss building design consideration that include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. After its review of the geotechnical report, the Department of Building and Safety shall issue a Geology and Soils Report Approval Letter for the proposed Project. The project shall comply with all conditions contained within the letter.

24. **MM-NOI-1 (Increased Noise Levels (Demolition, Grading and Construction Activities)).**

a. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.

- b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- d. Temporary noise barriers shall be installed on the property line of the construction site abutting residential uses. The noise barrier shall be engineered to reduce construction-related noise levels at the adjacent residential structures with a goal of a reduction of 10dBA. The supporting structure shall be engineered and erected according to applicable codes. The temporary barrier shall remain in place until all windows have been installed and all activities on the Project site are complete.
- e. The Project shall limit the number of noise-generating heavy-duty off-road construction equipment (e.g., backhoes, dozers, excavators, loaders, rollers, etc.) simultaneously used on the Project site within 50 feet of off-site noise sensitive receptors adjacent to the south of the Project site to generally no more than two to three pieces of heavy-duty off-road equipment.

25. **MM-TRANS-1: 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. This plan shall include:

- a. Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- b. Temporary pedestrian facilities shall be adjacent to the Project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- c. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- d. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.
- e. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- f. The applicant shall be limited to no more than two trucks at any given time within the site's staging area.
- g. There shall be no staging of hauling trucks on any streets adjacent to the project, unless specifically approved as a condition of an approved haul route.
- h. No hauling shall be done before 9 a.m. or after 3 p.m.
- i. Trucks shall be spaced so as to discourage a convoy effect.
- j. A minimum of two flag persons are required. One flag person is required at the entrance to the Project site and one flag person at the next intersection along the haul route.
- k. Truck crossing signs are required within 300 feet of the exit of the Project site in each direction.
- l. A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.

- m. The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.

**26. MM-TRANS-2: Public Services (Construction Activity Near Schools)**

- a. The developer and contractors shall maintain ongoing contact with administrator of Magnolia Avenue Elementary School, Berends Middle School, and W Adams High. 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 (323)342-1400 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, idling or parking on construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school during school hours.

**27. MM-TRANS-3 Public Services (Schools affected by Haul Route)**

- a. Los Angeles Department of Building and Safety (LADBS) shall assign specific haul route hours of operation based upon local school hours of operation.
- b. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the schools during periods when school is in session especially when students are arriving or departing from the campus.

**Administrative Conditions**

- 28. **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.
- 29. **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.
- 30. **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.
- 31. **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.
- 32. **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.

33. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
34. **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.

**35. 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.