

## CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on October 9, 2025)

### **Density Bonus Conditions**

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 February 28, 2023, 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.
2. **Residential Density.** The project shall be limited to a maximum density of 354 multi-family residential units including On-Site Restricted Affordable Units.
3. **On-Site Restricted Affordable Units.** 42 units shall be reserved for Very Low Income households, as defined by California Government Code Section 65915 and by the Los Angeles Housing Department (LAHD). In the event the SB 8 Replacement Unit condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
4. **Changes in On-Site 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.
5. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make 42 units available to Very Low Income Households or equal to 15 percent of the project's total base residential density allowed, 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, and in consideration of the project's Replacement Unit Determination. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The Applicant shall 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 any monitoring requirements established by the LAHD.
6. **Rent Stabilization Ordinance.**
  - a. The project shall comply with any tenant relocation requirements established by HCIDLA. Enforcement shall be the responsibility of HCIDLA.
  - b. The applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with the Rent Stabilization Ordinance. The covenant and agreement shall be executed and recorded within 10 days after the expiration of the appeal period (and final action thereon) and a copy provided to each eligible tenant within five days of recordation of the covenant and agreement.

- c. Within 10 days after the time to appeal has expired, the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to the affirmative duty to abide by all provisions of the Rental Stabilization Ordinance.
  - d. Prior to the issuance of a demolition permit, the Applicant or successor shall provide certified mailing receipts of proof of service, to the Department of City Planning demonstrating that existing qualified tenants were provided an offer to enter into a private agreement with the applicant (or successor) that includes the following terms: 1) the ability for the tenant to return to a comparable unit within the project; and, 2) during construction of the project, funding of the difference in rent of a comparably-sized unit between the tenant's rental rate immediately prior to the demolition of the building and the tenant's new rental rate, until the ability to return, if accepted, is exercised. The Applicant (or successor) shall provide a copy of the signed agreement(s) with, or written rejection from, the tenant(s). Where the Applicant (or successor) is not able to enter into an agreement with the tenant(s), the Applicant (or successor) shall submit a written declaration, under penalty of perjury, that best faith efforts have been made to enter into a private agreement with the tenant(s). The applicant (or their successor) shall also submit to the Department of City Planning, concurrent with certified mailing receipts of proof of service signed under penalty of perjury, the rent roll of occupied units at the time the offer is commenced.
7. **Averaging of Floor Area Ratio, Density, Parking and Open Space, and Permitting Vehicular Access (Incentive).** The project shall be permitted to averaging of Floor Area Ratio, density, parking, and open space over the project site, and permitting vehicular access across all contiguous parcels of the [Q]C2-1VL and [Q]CM-1VL zones of the property.
  8. **Floor Area Ratio (FAR) (Incentive).** The project shall be limited to a maximum floor area ratio of 2.6:1 per Exhibit "A".
  9. **Height (Waiver).** The project shall be limited to 80 feet in building height, including six (6) stories for the residential uses, and six (6) stories for the parking garage, per Exhibit "A".
  10. **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), 575 spaces are provided, as shown in Exhibit "A".
  11. **Side Setbacks (Waiver).** The westerly and easterly side yard setbacks shall be no less than 8 feet, as shown in Exhibit "A".
  12. **Open Space Landscaping (Waiver).** The project shall landscape a minimum of 25 percent of the required open space, or 7,375 square feet, as shown in Exhibit "A".
  13. **Recreation Rooms (Waiver).** Recreation rooms shall be permitted to count towards a maximum of 25 percent of the required open space, or 10,140 square feet, as shown in Exhibit "A".
  14. **Architectural Treatments (Waiver).** The project is permitted to provide flat roofs in lieu of pitched roofs, except that varied rooflines shall be required, as shown in Exhibit "A". The project shall comply with other architectural treatment requirements of Ordinance No. 172,853 for Subareas 22A and 22B including using two or more exterior wall finishes, and changes in building plane.

15. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16.

### **Conditional Use Conditions**

#### **16. Street Improvements.**

- a. **Dedication Required on Pacific Coast Highway (Boulevard II)** – A 2-foot wide, variable width and 5-foot wide strip of land along the property frontage to complete a 55-foot wide half right-of-way in accordance with Boulevard II of LA Mobility Plan 2035 and a 15-foot by 15-foot cut corner or 20-foot radius property line return at the intersection with Frampton Avenue.
- b. **Dedication Required on Frampton Avenue (Local Street)** – A 5-foot wide strip of land along the property frontage to complete a 30-foot half right-of-way in accordance with Local Street standards of LA Mobility Plan 2035 and a 10-foot by 10-foot cut corner or 15-foot radius property line return at the intersection with West 259th Street.
- c. **Dedication Required on 259th Street (Local Street)** – A 10-foot wide strip of land along the property frontage to complete a 30-foot wide half right-of-way in accordance with Local Street standards of LA Mobility Plan 2035.
- d. **Improvements Required on Pacific Coast Highway** – Caltrans to determine the improvements on Pacific Coast Highway.
- e. **Improvements Required on Frampton Avenue** – Construct a new 12-foot concrete sidewalk with tree wells or a 5-foot concrete sidewalk with landscaping of the parkway. Repair all broken, off-grade or bad order concrete curb, gutter and roadway pavement along the property frontage. Install ADA curb ramps at the intersection of Pacific Coast Highway and 259 Street per BOE standards and Special Order 01-1020 for connecting and receiving curb ramps. Close all unused driveways with standard curb height and 12-foot concrete sidewalk.

Note: There are street trees along Frampton Avenue. In the event the Urban Forestry Division of Bureau of Services deny the trees removal, then construct a 10-foot parkway and provide additional sidewalk easement to construct an elevated 4-foot sidewalk and 16-foot parkway along the existing 5 large trees located approximately at 195 feet to 316 feet from north west corner property line (Pacific Coast Highway & Frampton Avenue) satisfactory to the Harbor District Office of the Bureau Engineering.

- f. **Improvements Required on 259th Street** – Construct suitable surfacing to join the existing improvements to provide an 18-foot wide half roadway with asphalt pavement, integral concrete curb and gutter and a 12-foot wide concrete sidewalk with tree wells or a 5-foot wide concrete sidewalk within a 12-foot landscaped border. Install ADA curb ramps at the intersection of Frampton Avenue per BOE standards and Special Order 01-1020 for connecting and receiving curb ramps. Complete cul-de-sac to match existing cul-de-sac at south side of 259th Street and improve street east of the cul-de-sac per Standard Plan S-470-1 with roadway, curb and gutter and sidewalk north and south of 259th St centerline. Street improvements such as full roadway, curb & gutter and sidewalk (north and south) east of the cul-de-sac will not be required if that area is vacated. If the existing right-of-way east of the cul-de-sac is vacated, provide a sewer easement east of the cul-de-sac. These improvements should suitably transition to join the existing improvements satisfactory to the Bureau of Engineering Harbor District B-Permit Group.

17. **Fire.** Submit plot plans for Fire Department approval and review prior to issuance of building permits.
18. **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.
19. **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).
20. **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.
21. **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.
22. **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 equivalent to 10% more than otherwise 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.
23. **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.

24. **Street Trees.**

- a. **Street Trees.** Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Article Section 12.21.G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units). Per Exhibit A and 12.21.G.3, 24 Street trees shall be provided.
  - b. **Required Trees per 12.21 G.2.** As conditioned herein, a final submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." There shall be a minimum of 89 trees 24-inch box, or larger, trees on site pursuant to LAMC Section 12.21 G.2. Any required trees pursuant to LAMC Section 12.21 G.2 shown in the public right of way in Exhibit "A" shall be preliminarily reviewed and approved by the Urban Forestry Division prior to building permit issuance. In-lieu fees pursuant to LAMC Section 62.177 shall be paid if placement of required trees in the public right of way is proven to be infeasible due to City determined physical constraints.
  - c. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.
  - d. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The subdivider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.
25. **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.
26. **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.
27. **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.
28. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.
29. **Commercial Corner Development.** The Project shall comply with the Mini-shopping center/Commercial Corner Development Standards, Los Angeles Municipal Code (LAMC) Section 12.22.A.23, unless specific deviation has been granted.
30. **Qualified "Q" Condition.** The Project shall comply with the Qualified "Q" Conditions established under Ordinance No. 172,853 (Subareas 22A and 22B), unless specific deviation has been granted.
31. This approval is tied to Case No. AA-2019-5528-MPC. The applicant shall comply with the conditions of approval listed in Case No. AA-2019-5528-MPC. In the event that Case No. AA-2019-5528-MPC is not approved, this determination shall become null and void.

### **Environmental Conditions**

32. The Mitigation Monitoring and Reporting Program (MMRP) included in the Housing Element Streamlining Checklist (Case No. ENV-2024-4112-HES) have been incorporated into this project and shall be enforced through all phases of the project. The applicant shall be responsible for implementing each Mitigation Measure (MM), Substitute Mitigation Measure, and Implementing Mitigation Measure identified in the MMRP and shall be obligated to provide certification to the appropriate monitoring and enforcement agencies that each MM has been implemented.

### **Administrative Conditions**

33. **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.
34. **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.
35. **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.
36. **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.
37. **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.
38. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
39. **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.

**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.