

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

BUREAU OF ENGINEERING – SPECIFIC CONDITIONS

Pursuant to Section 12.32 G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedication(s) and Improvement(s). Prior to the issuance of any building permits, the following public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary). Dedications and improvements herein contained in these conditions which are in excess of street improvements contained in either the Mobility Element 2035 or any future Community Plan amendment or revision may be reduced to meet those plans with the concurrence of the Department of Transportation and the Bureau of Engineering.

1. Dedication Required:

James M. Wood Boulevard (Avenue III) - None.

Westlake Avenue (Local Street) - None.

Alley (West of Westlake Avenue) - A 2.5-foot wide strip of land along the alley frontage to complete a 10-foot half alley right-of-way in accordance with Alley standards.

2. Improvements Required:

James M. Wood Boulevard - Construct new concrete curb, 2-foot gutter and concrete sidewalk along the property frontage. Upgrade all driveways to comply with ADA requirements or close unused driveway with standard curb height, gutter and concrete sidewalk.

Westlake Avenue - Construct new concrete curb, 2-foot gutter and concrete sidewalk along the property frontage. Upgrade the access ramp at the intersection with James M. Wood Boulevard and open driveways to comply with ADA requirements. Close all unused driveways with standard curb height, gutter and sidewalk.

Alley - Repave the 17.5-foot alley with asphalt concrete and reconstruct the longitudinal gutter per B-Permit requirements along the property frontage. Reconstruct the alley intersection with James M. Wood Boulevard to comply with City standards.

Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847-3077.

Notes: Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

Department of Transportation may have additional requirements for dedication and improvements.

Refer to the Department of Water and Power regarding power poles (213) 367-2715.

3. Roof drainage and surface run-off from the property shall be collected and treated at the site and drained to the streets through drain pipes constructed under the sidewalk through curb drains or connection to the catch basins.
4. Sewer lines exist in alley. Extension of the 6-inch house connection laterals to the new property line may be required. Sewer Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
5. An investigation by the Bureau of Engineering Central District Office Sewer Counter may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Central District Office of the Bureau of Engineering at (213) 482-7050.
6. Submit shoring and lateral support plans to the Bureau of Engineering Excavation Counter for review and approval prior to excavating adjacent to the public right-of-way (213) 482-7048.
7. Submit parking area and driveway plan to the Central District Office of the Bureau of Engineering and the Department of Transportation for review and approval.

DEPARTMENT OF TRANSPORTATION

8. Suitable arrangements shall be made with the Department of Transportation to assure that a parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3. For an appointment, call (213) 482-7024.

FIRE DEPARTMENT

Prior to the issuance of building permit, a plot plan shall be submitted to the Fire Department for approval.

9. Parking Requirements

The traffic study did not include the number of parking spaces that will be provided by the project. The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

Notice: If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

Notice: Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.) as required herein, are completed to the satisfaction of the City Engineer.

(Q) QUALIFIED CONDITIONS (REVISED)

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations submitted with the application and marked Exhibit A, dated April 12, 2018, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the Department of City Planning Department for review.
2. **Use.** Use of the subject property shall be limited to hotel and guestrooms, with associated ancillary uses **only as shown in Exhibit A** (no residential dwelling units are permitted); or the site may be developed with residential uses allowed and in accordance with the density and all other development standards of the C2-1 and R4-1 Zones.

“D” LIMITATIONS

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the “D” Development Limitations.

1. **Height.** The building height shall not exceed 82 feet.
2. **Floor Area Ratio (FAR).** The proposed project shall be limited to an FAR of 2.99:1 with a total of 60,637 square feet of floor area.

CONDITIONS OF APPROVAL (REVISED)

Pursuant to Section 12.24 W.24(a), and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Entitlement Conditions

1. **Use.** Use of the subject property shall be limited to the use and area provisions of the C2 Zone; hotel guest rooms and commercial uses shall be permitted.
2. **Residential Density.** Not more than 100 guest rooms may be constructed on the property.
3. **Driveway.** The site design for the new building on site shall be limited to one driveway, via the abutting alley.
4. **Parking.** Parking spaces shall be provided as required by the LAMC.
5. **Electric Vehicle Parking.** The project will include at least 20 percent (20%) of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans will 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 will be based upon Level 2 or greater EVSE at its maximum operating ampacity. Five percent (5%) of the total code required parking spaces will be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or 5 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" will be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
 - a. **Non-required Parking.** Any parking spaces which are provided in excess of the Code required parking requirement shall be capable of supporting EVSE and installed with EV chargers to immediately accommodate electric vehicles within the parking areas. The parking spaces shall be designed and labeled for EV chargers consistent with the requirement for Required Parking.
6. **Short-term Bicycle Parking.** The required short-term bicycle parking spaces shall be provided near the stairwell on Westlake Ave.
7. **Security Gate (Department of Transportation).** A minimum of 40-foot reservoir space shall be provided between any security gate(s) and the property line.
8. **Signage.**
 - a. On-site signs shall be limited to the maximum allowable under the LAMC.
 - b. Multiple temporary signs in windows and along building walls are prohibited.
9. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape loan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Department of City Planning.

10. **Building Materials.** A note shall be added to the Project Elevations to indicate that metal materials incorporated into the design shall be of a non-reflective material.
11. **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.
12. **Solar and Electric Generator.** Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
13. **Window Transparency.** A note shall be added to the Project Elevations to indicate that all ground floor windows shall be comprised of non-reflective, transparent glass. Any at-grade parking uses shall not be visible from the exterior of the building. Architectural treatments, or other design features shall be used to ensure the parking is not visible from the exterior of the building and as shown in Exhibit A.
14. **Pedestrian Walkways and Entrances.** Clearly marked pedestrian access-ways shall be integrated into the site design and connect to the commercial area. The entryway shall incorporate enhanced paving treatment to create a safety buffer between the driveway area and the pedestrian entrance to the building. The doors for pedestrian access throughout the project site shall remain open during business hours. Pedestrian entrances shall be accessible directly from James M. Wood Blvd. and Westlake Ave.
15. **No Blank Wall.** A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site.
16. **Wall mounted lighting fixtures.** Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed to provide illumination to pedestrians and motorists in the drop off area.
17. **Features.** Project shall incorporate features such as white markings, signage and lighting so that pedestrian crossings are visible to moving vehicles during the day and at night.
18. **Roof-mounted Structures.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view by any abutting properties.
19. **Fencing.** All fencing/walls surrounding the ground floor of the subject site shall feature decorative architectural elements or landscaping.
23. **Trash/recycling.** Trash and Recycling pick-up and emptying or disposing of trash/recycling into outside containers is permitted to occur only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 10 a.m. to 4 p.m., Saturdays and Sundays.
 - a. Trash/recycling containers shall be locked when not in use.
 - b. Trash/recycling containers shall not be placed in or block access to required parking.
24. **Solid Waste.** The developer shall institute a recycling program to the satisfaction of the Department of City Planning to reduce the volume of solid waste going to landfills. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be picked up no less than once a week as a part of the project's regular trash pick-up program.

25. **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 for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
26. **Flood Hazard.** The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172,081 (effective 7/3/98).
27. **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.
28. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
29. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
30. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all of the information contained in these conditions shall be recorded by the property owner in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heir, or assigns. Further, the agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a Certified Copy bearing the Recorder's number and date must be given to the City Planning Department for attachment to the subject file.
31. **Tree Removal (Non-Protected Trees).** Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at (213)847-3077. All trees in the public right-of-way shall conform to the current standards of the Department of Public Works, Urban Forestry Division, Bureau of Street Services
32. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
33. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the restaurant.
34. Prior to the issuance of a demolition, grading, or building permit, the applicant shall contact Metro Bus Operations Control Special Events Coordinator, or Metro's Stops and Zones for closures longer than six months, and coordinate the maintenance or relocation of the bus stop located at the corner of James M. Wood Boulevard and Westlake Avenue.

Documentation of correspondence with Metro shall be submitted to the Department of City Planning.

35. All off-road construction equipment greater than 50 hp shall meet U.S. EPA Tier 4 emission standards. All construction equipment shall be outfitted with Best Available Control Technology devices certified by the California Air Resources Board. 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.
36. Haul trucks (e.g. material delivery trucks and soil import/export) shall be of the 2010 and newer diesel model or trucks that meet U.S. EPA 2007 model year NOx emissions requirements.
37. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.
38. **Construction Impacts.** A Construction work site traffic control plan shall be submitted to the Department of Transportation for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction related traffic be restricted to off-peak hours.
39. **Project Access.** As stated above, the proposed driveway will be accessed via an alley way located along James M Wood and will accommodate truck deliveries to the hotel. All delivery truck loading and unloading shall take place on-site with no vehicles backing into the project driveway. Deliveries shall be restricted to off-peak hours only and are expected to occur between the hours of 5 a.m. and 12 p.m. Monday – Sunday. A dock manager shall be available on-site to assist delivery trucks accessing the loading area.
40. **Development Review Fees.** An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to LADOT for permit issuance activities was adopted by the Los Angeles City Council in 2009 and updated in 2014. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.
41. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity), 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:
 - a. 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; (2) and the Department of City Planning at (213) 978-1454.

- b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected 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.
- c. 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.
- d. The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected 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 this plan is approved by the City.
- e. 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.
- f. 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.
- g. Copies of any subsequent prehistoric archaeological study, 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 South Central Coastal Information Center (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 general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

Environmental Conditions

42. Air Quality

- a. Off-road diesel-fueled heavy-duty construction equipment greater than 50 horsepower (hp) used for this Project and located on the Project site for a total of five (5) days or more shall meet at a minimum the United States Environmental Protection Agency (USEPA) Tier 3 emissions standards and the equipment shall be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter or equivalent control device.

43. Biological Resources

- a. 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:

- 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.
- 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.
- 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.
- 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.

44. Noise

a. Construction Noise

- The Project contractor(s) shall employ state-of-the-art noise minimization strategies when using mechanized construction equipment. The contractor(s) shall limit unnecessary idling of equipment on or near the site. The contractor(s) shall place noisy construction equipment as far from the Project site edges as practicable. The Project contractor(s) shall equip all construction equipment, fixed or mobile, with properly operating and maintained noise mufflers, consistent with manufacturers' standards. For example, absorptive mufflers are generally considered commercially available, state-of-the-art noise reduction for heavy duty equipment.
- Apply temporary noise barrier that can achieve approximately 1.5 dB of additional noise level reduction for each one (1) meter (3.3 feet) of barrier height.

- Limit the number of noise-generating heavy-duty construction equipment (e.g., dozers, rollers, tractors, etc.) simultaneously to approximately 25 feet from the nearest sensitive receptor.
- Apply noise absorbing foam on the outside of the nail gun body, which could reduce noise by as much as 3.5 dB. Also, improving the existing muffler and incorporating a return or exhaust line can reduce sound pressure levels by approximately 19 dB.

b. Operational Noise

- Perimeter railing with solid wall panels (glass, metal, masonry or similar) shall be installed along the outer edge of the pool deck areas.
- Directional speakers or array of smaller speakers shall be used so as to maximize onsite sound levels while minimizing the spread of sound beyond the pool deck perimeter. All ceiling-mounted speakers shall be oriented directly downward towards the floor.
- The areas shall be designed with the strategic use of materials with high sound absorption properties within the pool deck area and shall avoid using highly sound-reflective surfaces, to the extent possible, at the roof deck.
- The use of amplified speakers for recorded or live music performances shall be limited to up to 12:00 AM.

c. Construction Vibration

- Require heavy-loaded trucks to be routed away from residential street, as feasible.
- Prohibit the use of pile drivers (impacts), vibratory rollers, large bulldozers, caisson drilling, and jack hammers.
- Require the operation of earth-moving equipment on the construction site to be limited to 25 feet from off-site sensitive receptors.
- Phase demolition, earth- moving, and ground-impacting operations to not occur in the same time period.

45. Transportation and Traffic

- a. 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:
- 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.

- 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.
- Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- 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.

Administrative Conditions

46. **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.
47. **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.
48. **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.
49. **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.
50. **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.
51. **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.
52. **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.

53. 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 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 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.

FINDINGS (REVISED)

Legislative Findings / General Plan / Charter Findings

1. GENERAL PLAN LAND USE DESIGNATION

The Project Site is located within the Westlake Community Plan. The existing Community Plan designates the property as Highway Oriented Commercial with corresponding zones of C2, C 1, CR, RAS3, RAS4, and P. The Project Site's current zones are C2-1 and R4-1. The proposed General Plan Amendment will change the land use designation to Community Commercial with corresponding zones of C4, C2, C1, CR, RAS3, RAS4, P, and PB for the subject Project Site. Height District 2 in the C Zone allows unlimited height with a maximum FAR of 6:1.

The Project Site is in an existing commercial area, a location that is able to support such developments which are in close proximity to rail and bus transit stations. It is made up of retail shops, offices, clinics, and cafés that are pedestrian oriented neighborhood and community serving uses. With approval of the proposed General Plan Amendment from Highway Oriented Commercial to Community Commercial, the Project will be consistent with the land use designation.

The Westlake Community Plan, last updated in 1997, considers Highway-Oriented commercial uses as drive-thru establishments, auto-repair, and other similar uses, and envisions that these uses be located away from pedestrian oriented areas. However, the built environment of the project site as well as the uses present never evolved into the Highway-Oriented commercial uses identified in the Westlake Community Plan. Most of the buildings in the area are built to the property line. The Project Site is within walking distance (1,500 feet) of the Metro Red and Purple Line Westlake/MacArthur Park Station. With the continuing investment in the regional and local transit infrastructure and the commitment by the City to create an environment that acknowledges all modes of transportation, the General Plan Amendment from Highway Oriented Commercial to Community Commercial is necessary and appropriate.

2. GENERAL PLAN TEXT

- a. **Westlake Community Plan:** The proposed Project is consistent with several goals, objectives, and policies of the Westlake Community Plan. The plan text includes the following relevant land use goals, objectives and policies:

Commercial, Objective 1: *To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.*

The Project will develop upon an underutilized site containing a partially vacant shopping center and will revitalize it with a new viable hotel use.

Commercial, Objective 2: *To provide a range of commercial facilities at various locations to accommodate the shopping needs of residents and to provide increased employment opportunities within the community.*

The Project will provide short- and long-term jobs, including construction, maintenance, and administrative support staff.

Commercial, Objective 3: *To improve the compatibility between commercial and residential uses.*

The proposed hotel with a first-floor restaurant is compatible with the existing commercial and multiple-family residential development in the area. The existing nearby commercial uses will provide easy access to amenities and services for hotel guests, while the proposed restaurant will be a new amenity for the hotel guests and local residents. The pedestrian friendly architectural design will enhance the streetscape of James M. Wood Boulevard and Westlake Avenue.

Commercial, Policy 1: *That commercial facilities be located on existing traffic arteries and commercial corridors.*

The development is comprised of a hotel use, is essentially a "hybrid" between residential and commercial uses, and a restaurant commercial use. The development proposed is located along James M. Wood Boulevard, which is a commercial corridor improved with a church just east of the Project Site and a clothing store to the west and a restaurant and hotel to the south.

Commercial, Policy 7: *That new commercial development be oriented so as to facilitate pedestrian access by locating parking to the rear of structures.*

With the exception of a few spaces for loading/un-loading and compliance with ADA, the majority of the hotel's parking is located in two basement levels.

Commercial, Policy 8: *That adequate parking be provided for all types of retail and office commercial development, and that all parking areas adjacent to residential lands be appropriately buffered by a wall and/or landscaped setback.*

The Project's parking is provided as required by the LAMC. The majority of the hotel's parking is buffered from residential uses and pedestrians, as it is located in two subterranean levels.

- b. **Framework Element:** The Framework Element's Land Use chapter seeks to support the viability of the City's residential neighborhoods and commercial districts while encouraging sustainable growth in commercial districts.

The General Plan Framework seeks to "reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime." The corresponding zones for the Community Commercial (referred to as Community Centers in the Framework) land use designation are CR, C4, and [Q]C2. The General Plan Framework defines Community Centers as "intended to be identifiable focal points and activity centers for surrounding groups of residential neighborhoods ... and contain a diversity of uses such as small offices, overnight accommodations, cultural and entertainment facilities, schools and libraries in addition to neighborhood-oriented uses."

The General Plan Framework identifies two types of Commercial Centers: 1) A multiuse, nonresidential center that encourages the development of professional offices, hotels, cultural and entertainment facilities, in addition to the neighborhood-oriented uses; and, 2) A mixed-use center that encourages the development of housing in concert with the multi-use commercial uses.

The Project supports and is generally consistent with the General Plan Framework Land Use Chapter, and it will contribute an amenity to the residents, employees, and visitors of Los Angeles in general, and the Westlake community in particular. Specifically, the Project will comply with the goals, objectives and policies for the Community Center land use designation, set forth in the General Plan Framework Land Use Chapter:

Goal 3: Pedestrian-oriented, high activity, multi- and mixed-use centers that support and provide identity for Los Angeles' communities.

Objective 3.9: Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime.

Policy 3.9.1: Accommodate the development of community-serving commercial uses and services and residential dwelling units in areas designated as "Community Center" in accordance with Tables 3-1 and 3-5.

The Community Center land use designation is a focal point for surrounding residential neighborhoods and contains a diversity of uses, Community Centers generally range from floor area ratios of 1.5:1 to 3.0:1, characterized by two- to six-story buildings, e.g., some will be two-story Centers, some four- or six-story Centers depending on the character of the surrounding area.

Policy 3.9.6: Require that commercial and mixed-use buildings located adjacent to residential zones be designed and limited in height and scale to provide a transition with these uses, where appropriate.

Policy 3.9.7: Provide for the development of public streetscape improvements, where appropriate.

The Project is consistent with the Community Centers land use designation's first typology: A multiuse, non-residential center that encourages the development of professional offices, **hotels**, cultural and entertainment facilities, in addition to the neighborhood-oriented uses. The Project is located in an area of Westlake consisting of properties with the Highway Oriented Commercial land use designation and are zoned C2-1, among a mix of Medium Residential and High Medium Residential and R3- and R4-zoned properties. The Project Site's proposed Community Commercial land use designation supports the area's diversity of uses, consistent with the Framework's characterization of Community Commercial as a focal point of activity for surrounding groups. The Project will invigorate the immediate area by replacing an obsolete shopping center and associated surface parking lot with a hotel. Approval of the Project will therefore contribute to the existing diversity of jobs and services in an urban area that is well-served by public infrastructure and transit.

- c. **Health and Wellness Element:** "Plan for a Healthy Los Angeles", the Health and Wellness Element of the General Plan, provides high-level policy vision to elevate health as a priority for the City's future growth and development. The Plan focuses on public health from the perspective of the built environment and City services. The proposed Project is consistent with the Plan's policies, as follows:

Policy 2.2: Healthy building design and construction: *Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.*

Policy 3.8: Active spaces: *Support public, private, and nonprofit partners in the ongoing development new and innovative active spaces and strategies to increase the number of Angelenos who engage in physical activity across ages and level of abilities.*

Active spaces in the proposed Project include a fitness center and swimming pool. The proposed Project will comply with the state and local Green Building Codes. The project site's location, near several public transit lines, and restaurant uses at the ground level encourage pedestrian circulation in an area currently with limited pedestrian activity.

- d. **Housing Element:** The proposed Project is located on a parcel identified in the Inventory of Sites prepared for the 2021-2029 Housing Element, which was anticipated to accommodate 0.24 Lower Income units. The proposed Project is a hotel project which does not include any dwelling units. Therefore, the proposed project would result in fewer units than those identified in the Housing Element.

The Project is proposing a new 6-story hotel to replace an underutilized shopping plaza in an existing commercial area, a location that is able to support such developments which are in close proximity to rail and bus transit stations. The surrounding area is made up of retail shops, offices, clinics, and cafés that are pedestrian oriented neighborhood and community serving uses. With approval of the proposed General Plan Amendment from Highway Oriented Commercial to Community Commercial, the Project will be consistent with the land use designation and provide a service which is essential and beneficial to the surrounding neighborhoods.

Pursuant to Government Code (GC) Section 65863(b)(2), the City finds that while the proposed project would result in fewer units by income category than those identified in the Inventory of Sites prepared for the 2021-2029 Housing Element, the remaining sites identified in the Housing Element of the General Plan are adequate to meet the requirements of GC Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to GC Section 65584. As of April 1, 2023, the City's remaining RHNA Allocation for the 2021-2029 Planning period is as follows: 112,281 Very Low Income Units, 67,086 Low Income Units, 74,964 Moderate Income Units, and 168,892 Above-Moderate Income Units. As of April 1, 2023, the City has a remaining capacity of 330,056 Very Low Income Units, 332,096 Low Income Units, 63,107 Moderate Income Units, and 907,466 Above-Moderate Income Units. Therefore, the City finds that there are adequate remaining sites in the Housing Element to accommodate the remaining RHNA Allocation for the planning period.

- e. **Mobility Element:** The proposed General Plan Amendment and Zone Change are consistent with the Mobility Plan 2035, the Mobility/Transportation Element of the General Plan, including the five goals of the plan to provide:
- i. Safety First
 - ii. World Class Infrastructure
 - iii. Access for All Angelenos

- iv. Collaboration, Communication and Informed Choices
- v. Clean Environments & Healthy Communities

Pursuant to Mobility Plan 2035, the designations for the Project's adjacent streets are: James M. Wood Boulevard, adjoining the project site to the south, is designated an Avenue III and has a 72-foot right-of-way; Westlake Avenue, adjoining the project site to the east, is designated a Standard Local Street with a 60-foot right-of-way. The proposed project will not impact Mobility Plan 2035 as Westlake Avenue is presently 60 feet wide while the portion of James M. Wood Blvd. that is adjoining the project site has varying widths of 78 to 80 feet. The Department of Public Works, Bureau of Engineering is requiring off-site improvements as part of the project's approval, including any necessary removal and reconstruction of the existing right of way improvements.

The Applicant is not requesting discretionary actions to allow relief from off-street automobile stalls and bicycle parking spaces. The project site is well-served by public transportation, including the following regional and local bus lines:

- Metro Local Line 200 runs north-south along Alvarado Street;
- Metro Local Line 66 runs east-west along 8th Street and Olympic Boulevard.
- LADOT Pico Union / Echo Park line runs in all directions but generally north-south toward Echo to the north and the Pico Union neighborhood to the south, including along Alvarado Street, Union Avenue, Westlake Avenue, Lucas Avenue and Washington Boulevard.

3. CHARTER COMPLIANCE - CITY CHARTER SECTIONS 555, 556 AND 558 (GENERAL PLAN AMENDMENT)

The proposed General Plan Amendment is consistent with Charter Sections 555, 556 and 558. It sustains numerous goals, policies and objectives of the Citywide General Plan Framework and the Westlake Community Plan to provide density in commercial centers, support transit use, reduced vehicle dependency, and improve air quality. The proposed GPA will change the land use designation from Highway Oriented Commercial to Community Commercial on the land use map, promoting job and housing growth in a multi-use, non-residential center that encourages the development of professional offices, hotels, cultural and entertainment facilities, in addition to the neighborhood-oriented uses.

The Project Site which extends to properties along both sides of Alvarado Street, between 8th Street and James M. Wood Boulevard, is in an existing commercial and multiple family residential area, a location that is able to support such developments that are in close proximity to rail and bus transit stations. The project site is located within one-half mile from the MacArthur Park Metro Red Line and Purple Line Rail Station, which is at the corner of 6th Street and Alvarado Boulevard adjacent to the popular McArthur Park. The MacArthur Park Metro Red Line station provides access to Hollywood and the San Fernando Valley, with connecting service to the Metro Orange Line (serving the west Valley and Chatsworth). The Metro Red Line and Purple Line serve Downtown, including Los Angeles Union Station, with connecting service to the Metro Gold Line (serving Azusa and East Los Angeles), Amtrak passenger rail, Metrolink commuter rail, and bus service for regional and local lines. The Metro Purple Line also serves Koreatown. The Metro Blue Line originates at the 7th Street/Metro Center station and provides access from downtown Los Angeles to downtown Long Beach, as well as connecting service to the Metro Green Line (serving Norwalk, Redondo Beach, and LAX via shuttle). Additionally, the Wilshire/Alvarado Bus Station provides access to the several Metro Bus lines that are available.

The Project Site is located within the Westlake Community Plan area, which designates the site and properties along Alvarado Street between James M Wood Boulevard and midblock between 7th and 8th Streets for Highway Oriented Commercial Land Uses. Properties located north along 7th Street up to Wilshire Boulevard are within the Community Commercial Land Use Designation. The General Plan Amendment for the Project Site to amend the land use designation from Highway Oriented Commercial to Community Commercial, is consistent with the land uses of the properties located to the north along Alvarado and 7th Streets, which includes local serving commercial uses such as local restaurants, bakeries, and retail establishments.

The Westlake Community Plan was last updated in 1997. In 2001, the City readopted the General Plan Framework, which shifted away from the use of the Highway Oriented Commercial Designation to the designations of Neighborhood or Community Commercial to describe land uses along the City's commercial corridors. The Community Commercial Land Use Designation is a useful tool for facilitating walkable neighborhoods as the City and region have embraced a more robust public transportation system, with focused efforts on mixed-use and high density development near rail stations.

The Community Commercial Land Use Designation is a useful tool for facilitating walkable neighborhoods consistent with the region's increasingly more robust public transportation system, including mixed-use and high-density development near rail stations and bus lines.

As conditioned, the Project will be designed in harmony with the existing neighborhood and minimize impacts on neighboring properties. The Project's recommended bulk and height will be an appropriate addition to adjacent land uses. The Project will replace an underutilized shopping center and associated surface parking lot with a hotel, which is compatible with other developments and improvements in the immediate vicinity. Moreover, it would allow for redevelopment of the Project Site, reflecting the typical scale envisioned by the General Plan Framework. It would also provide a hotel in the Westlake area to accommodate a growing shortage of hotel rooms and employment opportunities in the surrounding neighborhood.

Entitlement Findings

1. Zone Change Findings.

- a. Pursuant to Section 12.32 C of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

The proposed Project is a new six-story hotel comprising 100 guest rooms, approximately 10,948 square feet of office, restaurant, meeting room and support space, and two levels of basement parking. The Project includes approximately 100 vehicle parking spaces and 12 bicycle parking spaces. The Project Site is currently improved with an approximately 8,228 square-foot, single-story shopping center and related surface parking on three lots totaling approximately 22,500 square feet. The Project Site is zoned R4-1 and C2-1 and designated in the Westlake Community Plan as Highway Oriented Commercial.

The proposed Vesting Zone Change to C2-2D would lead to a development that is deemed consistent with public necessity, convenience, general welfare and good zoning practice. The Westlake Community Plan designates the property for Highway Oriented Commercial uses, which corresponds to the C 1, C2, CR, RAS3, RAS4 and

P Zones. The proposed Zone Change to C2-2D is consistent with the proposed General Plan Land Use Designation of Community Commercial, as the C2 Zone is one of the corresponding zones. For the C2 Zone, Height District No.2 allows unlimited height; however, height is effectively limited by a maximum FAR of 6:1. The proposed Project will be built to a height of approximately 82 feet and an FAR of 2.99:1. The proposed Zone Change would allow for the R4 portion of the Project site to match the C2 portion.

Public Necessity, Convenience, and General Welfare. The rezoning of the site to accommodate the conditioned project will be consistent with public necessity as it will increase both job opportunities and tourism in the Westlake Community of Los Angeles. The Project site is located within an area that includes a dense collection of office buildings, hotels, stores, churches, schools and apartment buildings, as well as the MacArthur Park Metro Red Line and Purple Line Rail subway station at the corner of 6th Street and Alvarado Boulevard. The rezoning allows for the construction of commercial, residential and hotel uses. As conditioned, the design of the proposed project will enhance the neighborhood and will contribute to the Westlake Community Plan Area.

The objectives of the Westlake Community Plan include providing adequate land for strengthening existing commercial areas and designing new development to be compatible with adjacent residential neighborhoods. Changing the existing zone to the (T)(Q)C2-2D Zone will allow for the development of project that complements adjacent properties and the neighborhood. Public Convenience is also served by increasing pedestrian activity and accommodating tourism, given the close proximity to downtown.

The Project reduces reliance on the car by locating a hotel use near transit access to local and regional destinations. The proposed project will be located less than a mile from an existing Metro subway station and just south of a major transportation corridor that provides substantial public transit opportunities and facilities. The site is located near many office, residential, retail and restaurant uses. These opportunities increase pedestrian activity, which in turn benefits local businesses and neighborhoods.

The proposed project will promote general welfare of the community by the following:

- Help meet local job needs.
- Enhance the sense of community in the area by providing an amenity near substantial public transit opportunities and facilities.
- Bring investment to the Westlake community.

The requested Zone Change to (T)(Q)C2-2D is in substantial conformance with the purposes, intent and provisions of the General Plan, and is consistent with good zoning practice. It will provide for development of Project that complements both the commercial and residential character of the area. The Project's bulk and size is compatible and consistent with the dense multifamily and commercial uses in the area. The proposed Zone Change would enhance the pedestrian experience, provide new opportunities for tourism, and provide a development compatible with the surrounding area.

- b.** Per LAMC Section 12.32 G.1 and 2, the current action, as recommended, has been made contingent upon compliance with new "T" and "Q" conditions of approval imposed herein for the proposed project. The "T" Conditions are necessary to ensure the identified dedications, improvements, and actions are undertaken to meet the

public's needs, convenience, and general welfare served by the actions required. These actions and improvements will provide the necessary infrastructure to serve the proposed community at this site. The "Q" conditions that limits the scale and scope of future development on the site are also necessary to protect the best interests of and to assure a development more compatible with surrounding properties and the overall pattern of development in the community, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

2. Height District Change Findings.

- a. Pursuant to Section 12.32 of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.**

The proposed Height District Change from Height District 1 to Height District 2D would permit an FAR of 3:1 on the site. The proposed Height District Change will allow for the construction, use and maintenance of the proposed hotel project, which is consistent with the General Plan and serves the public necessity, convenience and general welfare and good zoning practice. The requested Height District Change would allow for consistent scale of development throughout the Project Site. The proposed FAR would be equivalent in Floor Area Ratio allowed within the surrounding parcels with zoning designations of R3 and R4. The concurrent Height District Change to Height District No. 2D will limit development of the proposed hotel to a maximum FAR of 3:1, ensuring that bulk and scale are compatible with existing zoning and future development in the neighborhood.

Environmental Findings

- 3. Environmental Finding.** A Mitigated Negative Declaration (ENV-2017-713-MND) circulated in December 2017 and September 2019, and Errata dated December 2019 were prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND and the Errata dated December 2019, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration and Errata dated December 2019, reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Department of City Planning on the 13th floor of 221 N. Figueroa Street.
- 4. Flood Insurance.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.