

CONDITIONS OF APPROVAL

As modified by the City Planning Commission on June 8, 2017

Pursuant to Sections 12.24, 12.28 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

1. The project shall be limited to a maximum 133-room hotel with 3,580 square feet of restaurant use at the ground floor and on the rooftop.
2. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", dated June 8, 2017, except as may be revised as a result of this action.
4. 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 Director of City Planning to impose additional corrective Conditions, if, in the Director's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
5. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
6. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
7. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalks bordering the site.
8. 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.

Conditional Use - Beverage

9. **Authorization.** Approved herein is:
 - a. The sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a new 2,500 square-foot restaurant located at the ground floor with 80 interior seats and 20 exterior seats, for a total of 100 seats;
 - b. The sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a new 1,080 square-foot restaurant located at the seventh floor/rooftop level with 30 interior seats and 50 exterior seats, for a total of 80 seats, and
 - c. Access-cabinets in each of the 133 guest rooms within the hotel.
10. The hours of the operation for the ground floor restaurant shall be limited to 11:00 a.m. to 2:00 a.m., daily.

11. The hours of the operation for the seventh floor/rooftop restaurant shall be limited to 11:00 a.m. to 12:00 a.m., daily.
12. After-hour use of the two (2) restaurant spaces, including the seventh floor/rooftop area, other than routine clean-up and maintenance, is not permitted.
13. No dancing or live entertainment shall be permitted.
14. No disc jockeys or amplified sound shall be permitted.
15. There shall be no Adult Entertainment of any type pursuant to L.A.M.C. Section 12.70.
16. There shall be no pool tables or billiard tables, coin-operated game machines, video machines permitted on any portion of the premises at any time.
17. The applicant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. The phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
 - posted at the entry, and the cashier or customer service desk,
 - responded to within 24-hours of any complaints/inquiries received on this hot line, and
 - The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department, the Zoning Administrator and the Condition Compliance Unit upon request.
18. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department (LAPD), the Condition Compliance Unit, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
19. Petitioner(s) shall install and maintain security cameras that covers all common areas of the business, high-risk areas, entrances and exits. The surveillance footage shall be maintained for at least a period of 60 days and shall be made available to the Los Angeles Police Department, or other law enforcement, upon request.
20. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Condition Compliance Unit as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.

21. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
22. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating "No Loitering or Public Drinking of Alcoholic Beverages" signs shall be posted throughout the subject property, including along the eastern perimeter wall, in the same language(s).
23. The conditions of this grant shall be retained in a conspicuous place in an office area on each premises at all times and be immediately produced upon request of any Los Angeles Police Department officer or Department of Alcoholic Beverage Control (ABC) investigator. The manager and all employees of each business shall be knowledgeable of the conditions herein.
24. The hotel manager(s) shall require proof of identification and age for all registered guests at check-in. Rooms where the registered guest is under twenty-one years of age, or where the age of the guest cannot be determined, shall have their in-room liquor cabinet disabled and locked if any such lockers are provided in the room.
25. The exterior windows and glass doors of the hotel premises/ground floor restaurant and bar/lounge areas shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and private security.
26. The applicant shall not sublet any portion of the subject premises to outside "promoters" for nightclub activity. The premises shall not be used exclusively for private parties in which the general public is excluded. Private parties hosted by the applicant, in which the general public is excluded from the entire ground floor restaurant or bar areas and/or the rooftop restaurant/lounge areas are permitted provided that an appropriate one-day permit is submitted for approval to LAPD and ABC.
27. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site and no floodlighting shall be located as to be seen directly by persons on adjacent properties.
28. No amplified music is permitted in any portion of the subject premises with the exception of ambient music. Any ambient music, sound, or noise emitted that is under the control of the petitioner(s) shall not be audible beyond the subject premises. Any sound or noise emitted that is under the control of the petitioner which is discernible outside of the subject premises shall constitute a violation of Section 116.01 of the Los Angeles Municipal Code, including any loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood or that causes discomfort. The establishment will make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant or bar facilities located within the hotel facility, or any noise associated with the operation of the establishment, or equipment of the restaurants.
29. The ground floor hotel restaurant shall be permitted to provide ambient background music in the exterior seating areas only between the hours of 11:00 a.m. and 12:00 a.m., daily.
30. The Petitioner(s) shall at all times maintain the abutting sidewalk and any area controlled by the petitioner free of obstruction. Any sidewalk area or patio seating must be approved by a revocable permit from the Department of Public Works. The Petitioner(s) shall additionally ensure that any outdoor seating area that is situated within the property footprint is adequately

separated from the abutting sidewalk by installing retaining walls, fencing or some other type of dividing barrier.

31. The applicant shall provide the Zoning Administrator a copy of each license, suspension thereof, or citation issued by the State Department of Alcoholic Beverage Control or the Los Angeles Police Department upon such instance.
32. There shall be no service, sales or possession of an alcoholic beverage on any sidewalk area or adjacent parking lot or alley way. There shall not be off-site sales of Alcohol beverages and the Petitioner(s) shall attempt to dissuade loitering activities and consumption of alcoholic beverages on the public expanses directly adjacent to the subject premises.
33. Loitering shall be prohibited on or around these premises as well as the properties adjacent to the subject premises. The applicant shall be responsible for ensuring that persons are dissuaded from loitering on or immediately around the subject premises. "No Loitering or Public Drinking" signs shall be posted containing the predominant language of the establishment's clientele. Any outdoor areas under the control of the applicant and those areas which are adjacent to the subject site shall be routinely patrolled by employees of the hotel or security personnel for the purpose of monitoring loitering. Any problems associated with the hotel or restaurant operation shall immediately be reported to the hotel manager who shall correct/remedy the problems.
34. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different and a notice shall be placed therein stating that California State Law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and that no such sales will be made.
35. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50-B,2(c). This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
36. The business operator and/or the operator's agents shall comply with California Labor Code Section 6404.5(c) which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.
37. The applicant shall not maintain or construct any type of enclosed room intended for use by patrons or customers for any purpose, except for the restrooms, within the hotel ground floor restaurant and the rooftop restaurant and lounge areas.
38. Partitions separating booth/dining areas in the ground floor and rooftop restaurant areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booth/dining areas within the interior space for the facility that restrict, limit, or obstruct the clear observation of the occupants.
39. All tables and booths arranged or situated within the hotel ground floor and rooftop restaurant areas shall be furnished with cutlery, condiments and other eating utensils available where food may be comfortably consumed by patrons.
40. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customer while in the premises, nor shall the applicant provide, permit, or make available either gratuitously or for

compensation, male or female patrons who act as escorts, companions, or guests of and for the customers.

41. The applicant or establishment operator shall not require an admission or cover charge to the hotel restaurant or bar facilities. Any and all advertisements for admissions or cover charges are likewise prohibited.
42. The applicant or establishment operator shall inform hotel guests and restaurant customers that the primary business of the restaurant facilities is the sale of food, which shall include, but not be limited to providing each customer with a menu, posting of signs on the premises, and advertising food services.
43. Applicant will ensure the continued placement of legible signs throughout the hotel and retained building structures alerting patrons entering and exiting the restaurant to keep noise to a minimum, and to be respectful of the Property's surrounding neighbors.
44. The hotel restaurant facilities shall be maintained as bona fide eating places (restaurants) with operational kitchens and both venues shall provide full menus containing an assortment of foods normally offered in such restaurants. Food service of the full menu shall be available at all times during all operating hours in both of the hotel restaurant facilities.
45. If valet service is used a copy of the contract with the valet company shall be submitted to the Office of Zoning Administration demonstrating that valet service is made available to customers/guests of the petitioner(s). If valet service is implemented the petitioner(s) will additionally be required to provide the Office of Zoning Administration with information pertaining to the valet rates or cost of valet service as it relates to customers utilizing said service. The availability of valet parking/service shall be made known to the public via the restaurant menu or hotel brochure, a posting of the information on readily visible locations in the hotel lobby and the hotel restaurant and on any hotel or hotel restaurant website.
46. During the hours of 8:00 p.m. and 2:30 a.m., the applicant shall provide a minimum of two (2) security guards in the ground floor hotel restaurant Thursdays, Fridays and Saturdays. During the hours of 8:00 p.m. and 2:30 a.m., the applicant shall provide a minimum of one (1) security guard in the ground floor hotel restaurant Sundays, Mondays, Tuesdays and Wednesdays. During the hours of 8:00 p.m. and 12:30 a.m., the applicant shall provide a minimum of two (2) security guards in rooftop restaurant area on Thursdays, Fridays and Saturdays. During the hours of 8:00 p.m. and 12:30 a.m., the applicant shall provide a minimum of one (1) security guard in the rooftop restaurant area on Sundays, Mondays, Tuesdays and Wednesdays.

The applicant shall be required to provide a minimum of two (2) security guards on the premises during the all hours of hotel operation. The applicant shall additionally be required to employ a third security guard to monitor the surveillance cameras of the premises and to coordinate the actions of the other security personnel employed at the facility during all operational hours. The additional security employ that is required per this provision will be employed in addition to and in enhancement of the two security guards that are mandated to be employed on the hotel premises during all hours of operation.

The security guards shall not have any other activities other than those that are security related. Security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.

47. **Plan Approval.** The applicant shall file an Approval of Plans application within two (2) years, but not earlier than 18 months from the issuance of the Certificate of Occupancy to assess compliance with the conditions of the instant grant. The purpose of the plan approval will be to review the effectiveness of and the applicant's compliance with the conditions of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete or add new ones as appropriate and require a subsequent plan approval, as necessary. The applicant shall submit all required documentation of compliance with conditions as part of the application package for the review.

Further, at any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.

The applicant shall provide appropriate documentation to substantiate ongoing compliance of the applicant with each of the conditions contained herein at the time of filing the Plan Approval review application.

48. **Condition Compliance Unit.**

a. ***Prior to the beginning of operations for each establishment***, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject: of the email to include the case number, "**CPC-2016-2263-VZC-HD-CUB-CU-ZAA-WDI-SPR /Operation Notification**". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.

b. ***Prior to the beginning of operations for each establishment***, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30-days of the beginning day of operation of the establishment. The statement shall read as follows:

We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverage for on-site consumption, in conjunction the [restaurant/access cabinets within each guest room], known as [to be determined later], and agree to abide and comply with said conditions.

c. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit in

a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Condition Compliance Unit within 30-days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.

- d. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, shall be submitted to the Department of Planning, Condition Compliance Unit within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.

49. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.

50. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Development Services Center or the Condition Compliance Unit for attachment to the case file.

51. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or Condition Compliance Unit for inclusion in the case file.

Conditional Use - Commercial Uses in the R5 Zone

52. **Authorization.** Approved herein is the loading space, trash enclosure and LADWP transformer within the [Q]R5-2 Zone portion of the site, subject to the following conditions:

- a. A minimum six-foot high slumpstone or decorative masonry wall shall be constructed adjacent to the neighboring residential property, and
- b. Landscaping shall be installed in substantial conformance with the Landscape Plan marked Exhibit "A", dated June 8, 2017, except as may be revised as a result of this action.

Zoning Administrator's Adjustment

53. **Authorization.** Approved herein is a zero-foot southerly side yard (above the ground floor) in lieu of the otherwise required 10 feet.

Site Plan Review

54. **Pedestrian Access.** Maintain one (1) main entrance to the ground floor restaurant with direct access to the sidewalk.

55. **Seventh Floor/Rooftop Restaurant.** The rooftop deck shall be enclosed with a six- to eight-foot tall plexiglass perimeter wall along the northern edge of the building and shall include landscaping (i.e., shrubbery and trees) to minimize noise levels at off-site locations to the maximum extent feasible. Landscape planters shall be a minimum depth of 48" and shall be designed to include irrigation.

56. **Landscaping.** All tree planter wells shall be a minimum of 48 inches deep.

57. **Vehicular Access.**

- a. A minimum of a 40-foot reservoir space shall be provided between any security gate(s) and the property line or to the satisfaction of the Department of Transportation.
- b. Parking stalls shall be designed so that no vehicles are made to back into or out of any public street or sidewalk.
- c. The primary vehicular access to the hotel shall be from a two-way driveway on Wilcox Avenue, with a secondary access for deliveries on Hudson Avenue and hotel loading on Wilcox Avenue.
- d. A parking area and driveway plan shall 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 North Figueroa Street, Suite 550.

58. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.

59. **Trash and Recycling.**

- a. All trash collection and storage 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.
- d. There shall be no depositing of cans or bottles in trash or recycling containers after 12:00 a.m.

60. **Mechanical and Rooftop Equipment Screening.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way.

61. **Electric Vehicle Parking.** The project shall include at least 20 percent of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the twenty percent EV Ready parking, five percent of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point. None of the required EV Ready parking shall apply to parking spaces used for dealership vehicle storage.

62. **Solar Panels.** The project shall dedicate a minimum of 1,000 square feet of rooftop space for the installation of a photovoltaic system, in substantial conformance with the plans stamped "Exhibit A".

63. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.

NOTE TO THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC)

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grants, the City Planning Commission has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the City Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The City Planning Commission has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the City Planning Commission acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the City Planning Commission.

They may include those identified during hearing testimony, received as part of correspondence via stakeholder groups, city agency, other responsible agency, Council District, Mayor's office, etc.)

- Approval of a full line of alcohol.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- The quarterly gross sales of food shall not exceed the quarterly gross sales of alcohol. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender when consumed within the restaurant spaces.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
- Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating that California State Law prohibits sale of alcoholic beverages to persons who are under 21 years of age.
- No bottle service shall be permitted within any restaurant or bar portion of the hotel.

Environmental Conditions

64. Cultural Resources. A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities at the project site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. If paleontological materials are encountered, the paleontologist shall temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

65. Noise.

- a. The project shall include the following measures during construction period:
 - The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
 - Construction and demolition shall be restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.

- Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - Temporary noise barriers shall be used along the northern, eastern and western property boundaries to block the line-of-sight between the construction equipment and the adjacent residences. The noise barrier shall provide minimum 5 dBA noise reduction to the residences to the west (receptor R1) and northeast (receptor R3) and 15 dBA noise reduction to the residence to the north (receptor R1).
- b. The applicant shall retain the services of a qualified acoustical engineer with expertise in the design of building sound insulation, who shall submit a signed report to the City during a plan check for review and approval, indicating that the proposed building design sound insulation achieves an interior sound environment of maximum 45 dBA CNEL, per the City of Los Angeles Building Code (LAMC Section 91.1207).
- c. Retain the services of a qualified vibration consultant to monitor ground-borne vibration at the exterior of the adjacent buildings to the north, south and west of the project site during site grading/excavation (when the use of heavy construction equipment, such as a large bulldozer, drill rig, or loaded truck occurs) within 15 feet of the off-site building structures adjacent to the project site. If the measured ground-borne vibration levels exceed 0.2 inch/second (PPV) at the adjacent off-site structures, the project contractor shall evaluate and employ alternative construction methods, so that the ground-borne vibration levels would be below 0.2 inch/second (PPV) at the adjacent off-site structures to the north, south and west.

66. Transportation/Traffic.

- a. Plan construction and construction staging as to maintain adequate and safe pedestrian access on adjacent sidewalks throughout construction.
- b. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- c. 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 of Approval

67. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review 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.
68. **Code Compliance.** Area, height and use regulations of the (T)(Q)C2-2D-SN Zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
69. **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.

70. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
71. **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.
72. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
73. **Corrective Conditions.** The authorized use shall be conducted at all time with due regards to 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.
74. **Expediting Processing Section.** Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.
75. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- 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 (b).
- e. If the City determines it necessary to protect the City's interests, 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, commission, 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.