

CONDITIONS OF APPROVAL

As modified by the City Planning Commission February 8, 2018

Pursuant to Section 12.24-W,1, 12-24-U, 12.27, 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. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," dated February 8, 2018, and attached to the subject case file. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
2. **Floor Area Ratio.** The approved hotel shall be limited to a maximum Floor Area Ratio of 3.69 to 1 (approximately 74,362 square feet)
3. **Height.** The project shall be limited to a height of 94 feet excluding roof structures and equipment as defined by L.A.M.C. Section 12.21.1.
4. **Hotel.**
 - a. **Use.** Authorized herein is the operation of a hotel with a maximum of 220 guest rooms.
 - b. **Hours of Operation.** The hotel may operate 24 hours, daily.

Site Plan Review Conditions

5. **Pedestrian Entrances.**
 - a. The main pedestrian entrance shall be located along the De Longpre Avenue frontage.
 - b. The bicycle storage/repair station shall have an entrance along Cahuenga Boulevard.
6. **Automobile Parking.**
 - a. Automobile parking shall be provided in conformance with L.A.M.C. Section 12.21-A,4(x)(3).
 - b. **Electric Vehicle Parking.** The project shall include at least 20 percent (20%) of the total provided 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. In addition, 10 percent (10%) of the total provided 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.

- c. In addition to the above described requirements, 20 percent (20%) of the parking spaces provided beyond the requirements of the Los Angeles Municipal Code shall be provided with EV chargers equipped to immediately accommodate electric vehicle within the parking area. When the required 20 percent results in a fractional space, round up to the next whole number.
7. **Bicycle Parking.** Bicycle parking shall be provided in conformance with L.A.M.C. Section 12.21-A, 16.
 8. **Landscaping.**
 - a. The project shall provide a fixed-planter along the De Longpre Avenue street frontage, directly in front of the project's porte cochere, as shown on the Architectural Plans dated February 8, 2018. The planter shall not be located within the public right-of-way.
 - b. **Tree Wells.**
 - i. The minimum depth of tree wells on the rooftop shall be as follows:
 1. Minimum depth for trees shall be 42 inches
 2. Minimum depth for shrubs shall be 30 inches
 3. Minimum depth for herbaceous plantings and ground cover shall be 18 inches
 4. Minimum depth for an extensive green roof shall be 3 inches
 - ii. The minimum amount of soil volume for tree wells on the rooftop shall be based on the size of the tree at maturity:
 1. 600 cubic feet for a small tree (less than 25 feet tall at maturity)
 2. 900 cubic feet for a medium tree (25-40 feet tall at maturity)
 3. 1,200 cubic feet for a large tree (more than 40 feet all at maturity)
 - c. Any trees that are required pursuant to LAMC Section 12.21 G and are planted on any podium or deck shall be planted in a minimum three (3) foot planter.
 - d. New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works.
 - e. Prior to issuance of a building permit, plans shall be submitted to the Department of City Planning that shall incorporate the following design elements:
 - i. Streetscape improvements along Cahuenga Boulevard and De Longpre Avenue shall be consistent with Chapter 5, Streetscape and Open Space Standards and Guidelines, of the CRA/LA Sunset Boulevard & Civic Center Urban Design Plan and Guidelines, to the satisfaction of the Urban Forestry Division of the Bureau of Public Works and the Bureau of Engineering.

9. **Sustainability.**

- a. 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.
 - b. **Solar.** The project shall dedicate a minimum of 800 square feet of rooftop space for the installation of a photovoltaic system, in substantial conformance with the plans stamped "Exhibit A."
10. **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.
11. **Department of Transportation.** The project shall comply with the Project Requirements as detailed in the Department of Transportation letter to the Planning Department dated October 16, 2017 (DOT Case No. CEN17-46419).
12. 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 unified development.

Alcohol Related Conditions of Approval

13. Approved herein is the following:
- a. The sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operations of a proposed hotel with in-room controlled access cabinets, associated ground floor restaurant, third floor courtyard, and enclosed and unenclosed rooftop venues as shown on site plan stamped Exhibit A.
 - b. The premises shall maintain a bona fide eating place (restaurant) with operational kitchen, and shall provide a full menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during all operating hours.
 - c. The third floor courtyard and unenclosed rooftop areas are open to hotel guest only. The ground floor restaurant and the enclosed rooftop venue may be open to the general public.
14. **Hours of Operations.**
- a. Ground Floor Restaurant – hours of operation are limited to 7:00 a.m. to 2:00 a.m., daily. The kitchen may operate 24 hours, daily to serve hotel guest rooms and other common areas. Food service shall be available at all times that drink service is available.
 - b. Courtyard – hours of operation are limited to 7:00 a.m. to 2:00 a.m., daily. Access is limited to hotel guests only.
 - c. Rooftop (Enclosed) – hours of operation are limited to 7:00 a.m. to 2:00 a.m., daily.
 - d. Rooftop (Unenclosed) – hours of operation are limited to 7:00 a.m. to 12:00 a.m., daily.
15. **Seating.**

- a. Ground Floor Restaurant – 133 interior seats
- b. Courtyard – 66 outdoor seats
- c. Rooftop (Enclosed) – 72 indoor seats
- d. Rooftop (Unenclosed) – 205 outdoor seats

16. **Entertainment.**

- a. Live Entertainment or amplified music may be permitted within the ground floor restaurant and hotel lobby area. Only low-volume, ambient, background music shall be permitted within the third-floor courtyard lounge and dining area until 12 a.m., daily. Ambient music shall be permitted in all operational areas until such hours that those operations must cease.
- b. No live entertainment or amplified music shall be permitted on the rooftop areas (enclosed and unenclosed). Only low-volume, ambient, background music is permitted within the outdoor rooftop areas until 12:00 a.m., daily.
- c. The doors to the rooftop's fully-enclosed dining (penthouse) area shall be kept closed from 12:00 a.m. through 2:00 a.m. These doors shall be solid; no screen or ventilated materials are permitted.
- d. When the enclosed dining (penthouse) doors or windows are open between 7:00 a.m. and 12:00 a.m., any music, sound, noise, or vibration shall not be audible or felt beyond that part of the premises which is under the control of the applicant.
- e. Amplified music and/or Live Entertainment features are prohibited in the enclosed lounge area on the rooftop.
- f. Live entertainment features and amplified music is prohibited in the rooftop outdoor pool, bar, lounge and enclosed lounge areas, during all hours of operation, except during preapproved special event occasions.
- g. Employment of a disc-jockey or other live entertainment features within the ground floor hotel bar, restaurant and lounge areas is permitted provided that any noise produced or otherwise generated by any live entertainment features or disc-jockey performances remains inaudible outside of the subject premises and does not violate any provisions of the city-wide noise ordinance. Employment of a disc-jockey or other live-entertainment features playing amplified music in areas other than the ground-floor hotel restaurant is strictly prohibited outside of pre-approved special event occasions. Employment of a disc-jockey playing non-amplified music is permitted in the enclosed rooftop penthouse.
- h. Any ambient or amplified music, sound, vibration or noise emitted that is under the control of the petitioner(s) shall not be audible or otherwise perceivable beyond the subject premises. Any sound, vibration 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/hotel 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. The queuing of individual pieces of music on an MP3 player, iPod, or a computer by a hotel staff member with no other entertainment shall not constitute a disc jockey.
- i. No Dancing is permitted. Public dancing shall require the filing of a new Conditional Use Permit pursuant to Section 12.24-W, 18 of the Los Angeles Municipal Code. There shall be no dance floor arrangement permitted in the subject premises. Patron dancing is not permitted nor shall the Petitioner(s) accommodate or endorse dancing features in any fashion.
- j. There shall be no restricted age to any areas within the hotel for registered guests.

- k. Live entertainment features and amplified music are prohibited in the third-floor outdoor courtyard area, during all hours of operation, except during preapproved special event occasions. Only low-volume, ambient, background music shall be permitted within the outdoor third-floor courtyard lounge and dining area until 1:00 a.m.. Ambient music shall be permitted in all operational areas until such hours that those operations must cease.

17. **Special Events.**

- a. The number of special events permitted on the subject property shall be limited to a maximum of **24 events per year**. A special event is any event which is held weekly, monthly or annually or that includes outside advertisement demonstrating a change in the mode and character of the normal hotel operations, including but not limited to hours of operation, or any significant live entertainment features that would stipulate an ABC one-day permit application or some other special endorsement. Operational occurrences or arrangements wherein the applicant(s) demands or requests an admission fee from hotel patrons will be considered special events as will any events that involve the exclusion of the general public from gaining admission to the hotel premises or public portion thereof. The applicant shall seek approval from the LAPD Hollywood Vice Unit for all special events 14 days in advance of the date of each special event, in writing. LAPD shall respond to requests for special events in writing. Outside advertisement as it pertains to this provision shall include any promotional material or notification commissioned by any entity that is not directly associated with the operation or under the direct employ of the applicant(s).
- b. The applicant shall not sublet the premises to outside "promoters" for nightclub activity. Private parties hosted by the hotel or future operators of the ground floor dining area, third floor courtyard and rooftop bar/lounge, in which general public are excluded from the entire ground floor bar, lounge, outdoor courtyard and dining areas or the entire rooftop area are permitted provided that an appropriate one-day special events permit is submitted for approval to LAPD and ABC.

18. **Security.**

- a. The applicant shall be required to provide a minimum of two (2) security guards on the premises during all hours of hotel operation.
- b. Additional Security Guard Requirements: A minimum of one additional security guard shall be required during the following hours of operation at the following venues:
 - i. **Ground Floor Restaurant.** During the hours between 8:00 p.m. and 30 minutes after closing on Thursday, Friday, and Saturday.
 - ii. **Rooftop Venue.** During the hours between 8:00 p.m. and 30 minutes after closing on Thursday, Fridays, and Saturdays.
- c. 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. Security personnel may open doors for patrons, position themselves at host stands, and provide patron services that do not otherwise interfere with their security role as set forth above.
- d. The applicant(s) shall be required to provide the Police Department with a Security Plan that satisfactorily conforms to Police Department and City Planning standards. The security plan shall include a delineation of the video surveillance arrangements for both the licensed premises and the adjoining public areas encircling the subject premises. The security plan shall also include a delineation of the security personnel scheme including specifications pertaining to staffing, structure and arrangement of

security guards for the licensed premises. The applicant's security plan will be included in the Case File following Police Department and City Planning approval.

19. Applicant(s)/Operator(s) shall install and maintain security cameras and a one-month DVR/video library that covers all common areas of the business, high-risk areas, sidewalk areas, and entrances or exits. The DVRs shall be made available to police upon request.
20. There shall be no coin-operated game machines or video machines permitted on the premises at any time.
21. Line-queuing arrangements of hotel guests or restaurant/bar/lounge patrons within the public right of way that encircle the subject property are strictly prohibited.
22. 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, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
23. 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 Zoning Administrator who acted on this case 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.
24. Electronic age verification device(s) shall be retained and installed on the premises at each point of sale location and available for use during operational hours. The device shall be maintained in an operational condition and all employees shall be instructed in its use prior to the sale of any alcoholic beverage.
25. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards notifying patrons of the program. The signs/cards shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus.
26. There shall be no Adult Entertainment of any type pursuant to Section 12.70 of the LAMC. Any proposed Adult Entertainment shall be subject to the requirements of Section 12.70 and require the filing of the appropriate application.
27. 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.
28. **Complaint Log.** Prior to the utilization of this grant, the operator shall identify a contact

person and provide a telephone number and email address for any inquiries or complaints from the community regarding the subject facility. The phone number and email shall be posted on the site so that is readily visible to any interested party. The phone number and email address shall be:

- a. Posted at the entry, and the cashier or customer service desk,
- b. Provided to the immediate neighbors, schools, and the Neighborhood Council, and
- c. Responded to within 24-hours of any complains/inquires received.

The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response and shall maintain this documentation for a period of 12 months. The log shall be made available for review by the Los Angeles Police Department, the Department of Building and Safety, and the Department of City Planning upon request.

29. **Prior to the beginning of operations**, 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 **Department of City Planning** 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 beverages for on-site consumption, in conjunction with the hotel and restaurant, known as The Godfrey Hollywood, and agree to abide and comply with said conditions.

30. 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 City Planning Department 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 City Planning Department 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.
31. Should there be a change in the ownership and/or the operator of the restaurant, the City Planning Commission or the Director of Planning as its designee, 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 City Planning, 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 City Planning Commission or its designee 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.

32. **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.

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 Department of City Planning for attachment to the case file.

33. 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 Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file. This covenant is required only for the alcohol portion of this case. The Covenant and Agreement required by Condition 53 shall be required for all other conditions.

Environmental Conditions – Project Design Features

34. **Aesthetics (Light)** – 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.
35. **Aesthetics (Glare)** – The exterior of the proposed structure shall be constructed of materials to minimize glare and reflected heat, such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces.
36. **Air Quality** – Temporary construction fencing shall be installed around the periphery of the Site, which reduces dust and other emissions from the Project Site.
37. **Noise** – The pool and rooftop decks shall be enclosed on all sides with a glass perimeter wall and include landscaping (i.e., shrubbery and trees), and shall be designed to minimize noise levels at off-site locations to the maximum extent feasible, but to achieve at least a reduction of 5 to 10 dBA of noise attenuation at the nearest such location.

Environmental Conditions – Mitigation Measures

38. **Geology and Soils (Geotechnical Report)** - The Applicant shall comply with the recommendations contained within the Geotechnical Report, as well as all conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the Project, and as it may be subsequently amended or modified.

39. Geology and Soils (Erosion/Grading/Short-Term Construction Impacts)

- a. The Applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- b. The Project shall prepare a Grading Plan that shall conform with the City of Los Angeles Department of Building and Safety Grading Division's Landform Grading Manual Guidelines.
- c. Appropriate erosion control and drainage devices per the Los Angeles Municipal Code Section 91.7013 shall be provided to the satisfaction of the Los Angeles Department of Building and Safety.

40. Hazards and Hazardous Materials (Emergency Evacuation Plan) – Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.**41. Noise (Demolition, Grading, and Construction Activities)**

- a. 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.
- b. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously to the extent feasible.
- c. The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

42. Noise (Construction Notification) - Two weeks prior to commencement of construction, notification shall be provided to the off-site residences within 500 feet of the Project site that discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period.**43. Noise (Temporary Construction Barrier)** - Temporary sound barriers, capable of achieving a sound attenuation of at least 12 dBA (e.g., construction sound wall with sound blankets) at 50 feet of distance, and capable of blocking the line-of-sight to the Buzzfeed Studios shall be installed as feasible.**44. Noise (Construction Equipment)**

- a. All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices (utilizing all technologically feasible sound attenuation features) capable of achieving a sound attenuation of at least 3 dBA at 50 feet of distance. On-site power generators shall either be plug-in electric or solar powered.
- b. All construction areas for staging and warming-up equipment shall be located as far as possible from adjacent residences.
- c. Portable noise sheds for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators shall be provided where feasible.

45. Noise (Haul Route) – A haul route for exporting cut materials from the site to a nearby landfill should minimize travel on residential streets with sensitive receptors.**46. Public Services (Fire)** – The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the

approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

47. Public Services (Police)

- a. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- b. The plans shall incorporate a design that enhances the security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, and location of toilet facilities or building entrances in high-foot traffic areas. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.
- c. Upon completion of the Project, the Hollywood Area commanding officer shall be provided with a diagram of each portion of the property. The diagram shall include access routes and any additional information that might facilitate police response.

48. Transportation/Traffic

- a. The developer shall install appropriate construction related traffic signs around the site to ensure pedestrian and vehicle safety.
- b. 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.

49. Transportation/Traffic (Pedestrian Safety)

- a. Temporary pedestrian facilities should 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
- b. Covered walkways should be provided where pedestrians are exposed to potential injury from falling objects.

50. Utilities/Service Systems (Wastewater Service). As part of the normal construction/building permit process, the Project Applicant shall confirm with the City that the capacity of the local and trunk lines are sufficient to accommodate the Project's wastewater flows during the construction and operation phases. If the public sewer has insufficient capacity, then the Project Applicant shall be required to build sewer lines to a point in the sewer system with sufficient capacity. If street closures for construction are required, the Project applicant shall coordinate with LADOT on a traffic control plan and have flagmen to facilitate traffic flow and safety and minimize interruption to the street and sidewalk.

51. Utilities/Service Systems (Water Service). As part of the normal construction/building permit process, the Project Applicant shall confirm with the LADWP Water Service Organization (WSO) that the capacity of the existing water infrastructure can supply the domestic needs of the Project during the construction and operation phases. If the water

infrastructure has insufficient capacity, then the Project Applicant shall be required to build water lines to a point in the system with sufficient capacity. If street closures for construction are required, the Project applicant shall coordinate with LADOT on a traffic control plan and have flagmen to facilitate traffic flow and safety and minimize interruption to the street and sidewalk.

Administrative Conditions of Approval

52. **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.
53. **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.
54. **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.
55. **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.
56. **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.
57. **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.
58. **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.

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.)

- 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.
- 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 sale of alcoholic beverages for consumption off the premises is prohibited.
- 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 wait person or bartender.
- The alcoholic beverage license for the restaurant shall not be exchanged for a public premises type license nor operated as a public premises.
- There shall be no service, sales or possession of an alcoholic beverage on any abutting private property area not under the immediate control of the applicant/facility operator with the exception of the approved patio/outdoor dining areas.
- Bottle and/or Table service involving the distribution of distilled spirits shall be prohibited during regular restaurant/hotel operations and is only permitted during special events that have been authorized by the Los Angeles Police Department. "Buckets" of beer and portable bars are prohibited. There shall be no "Minimum drink" required of patrons. In addition, there shall be NO sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating. The sale of poolside cabanas and lounge chairs may be permitted in conjunction with the restrictions set forth above related to alcohol sales.
- "Happy Hour" is permitted between the hours of 4:00 pm and 8:00 pm, daily. There may be no more than a fifty percent discount on alcoholic beverages.