

CONDITIONS OF APPROVAL

As modified by the City Planning Commission – March 8, 2018

A. Entitlement Conditions – Conditional Use for Hotels.

1. **Grant.** Hotel uses shall be permitted within 500 feet of the R zone.

B. Entitlement Conditions – Conditional Use for Floor Area Ratio Averaging

1. **Floor Area Ratios.** Maximum Floor Area Ratios and maximum development square-footage for lots within the project site shall be in substantial conformance with the following:

Master Lot 1:	8.7 FAR	332,385 square-feet
Master Lot 2:	11.8 FAR	172,950 square-feet

2. **Unified Development.** The applicant shall guarantee to continue the operation and maintenance of the development as a unified development, as defined in LAMC 12.24-W.19, and shall guarantee the continued maintenance of the unifying design elements such as driveways, pedestrian pathways, publically accessible open space areas, and parking areas, as depicted in Exhibit A - Project Plans, dated March 8, 2018, with revised page A0.002.
3. **Covenant.** Prior to the issuance of any building permit, 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 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.

C. Entitlement Conditions – Master Conditional Use for Alcohol Sales.

1. **Grant.** Approved herein is a Master Conditional Use Permit to allow for the service of a full line of alcoholic beverages for on-site consumption in the hotel and meeting rooms, bars, lounges, restaurants, and entertainment venues. The restaurant, lounge, and bar uses may include service in outdoor areas on the roof, decks, balconies, or other outdoor areas on the upper levels, and at the ground-level.
2. **Master Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Master Plan Approval (MPA) determination pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Master Conditional Use authorization granted. The purpose of the Master Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. A Plan Approval without a hearing may be granted by the Chief Zoning Administrator if the operator agree to the Conditional Use Permit Conditions.

3. **Employee Training.** Within six months of the effective date of the any subsequent plan approvals, 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 as evidence of compliance. In the event there is no change in the licensee, within one year of such change, this training program shall be required for all new staff.
4. **Additional 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 Department of City Planning to impose additional corrective conditions, if, it is determined by the Department of City Planning that such conditions are proven necessary for the protection of person in the neighborhood or occupants of adjacent property.
5. **Security.** The operator shall install and maintain surveillance cameras in all areas of the restaurant premises, including any outdoor dining area and a 30-day video library that covers all common areas of such business, including all high-risk areas and entrances or exits. The tapes shall be made available to the Police Department upon request.
6. **Lease Agreements.** All establishments applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all vendors of alcoholic beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.
7. **Building Plans.** A copy of this grant and all Conditions and/or any subsequent appeal of this grant and 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.
8. **Ownership/Operator Change.** 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 BESt (Beverage and Entertainment Streamlined Program) 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 BESt (Beverage and Entertainment Streamlined Program) 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.
9. **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.

10. **Covenant and Agreement.** 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 BESt (Beverage and Entertainment Streamlined Program) 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 BESt (Beverage and Entertainment Streamlined Program) for inclusion in the case file.

D. Entitlement Conditions – Live Entertainment and Dancing.

1. **Grant.** Live entertainment and public dancing shall be permitted in the restaurants, bars, outdoor decks, pool areas, and entertainment venues.
2. **MM-NOISE-5:** Prior to operating outdoor amplified music and entertainment speakers on the 8th floor landscaped pool deck of the Hotel A/B Tower, an acoustical design plan shall be submitted to the City, shown to result in a pool deck composite noise level at the south end perimeter rail of no more than 98 dBA Leq and at the north end of the perimeter rail of no more than 65 dBA Leq. The pool deck composite noise level is defined as the sound level resulting from the amplification of recorded or live music combined with simultaneous spoken word (i.e., D.J.) emanating from all speakers in use, and excluding noise from guests and the normal operation of the amenities lounge, food and beverage service. To achieve this performance level, the acoustical design plan may rely on, among other strategies and technologies the following:
 - Directional speakers or arrays of smaller speakers shall be used so as to maximize on-site sound levels while minimizing the spread of sound beyond the pool deck perimeter. For example, within the pool area southwest of the amenities lounge, speakers placed around the pool should be directed towards the pool. Speakers located southwest of the pool shall be angled towards the pool or amenities lounge. Sound from all speakers shall be directed below the top of the railing (if necessary, downward tilted at an appropriate angle). All ceiling-mounted speakers shall be oriented directly downward towards the floor.
 - Within the outdoor seating areas northeast of the amenities lounge, speakers shall be generally directed towards the interior of the property. Sound from all speakers shall be directed below the top of the railing (if necessary, downward tilted at an appropriate angle). 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 amenities lounge.
 - The use of amplified speakers for recorded or live music performances shall be limited to up to 2:00 A.M.
 - All disc jockeys (DJs) and musicians shall utilize the on-site sound system. The DJs and musicians shall use speakers set at or below pre-determined speaker locations and directions.
3. **MM-NOISE-6:** Prior to operating outdoor amplified music and entertainment speakers on the 37th floor rooftop deck of the Hotel A/B Tower, an acoustical design plan shall be submitted to the City, shown to result in a rooftop deck composite noise level of no more than 90 dBA Leq at the perimeter rail. The rooftop deck composite noise level is defined as the sound level resulting from the amplification of recorded or live music combined

with simultaneous spoken word (i.e., DJ) emanating from all speakers in use, and excluding noise from guests and the normal operation of the amenities lounge, food and beverage service. To achieve this performance level, the acoustical design plan may rely on, among other strategies and technologies the following:

- The use of directional speakers or arrays of smaller speakers so as to maximize on-site sound levels while minimizing the spread of sound beyond the pool deck perimeter. For example, speakers placed around the rooftop area should be directed towards the interior of the space. Sound from all speakers shall be directed below the top of the railing (if necessary, downward tilted at an appropriate angle). All ceiling-mounted speakers shall be oriented directly downward towards the floor.
- The area 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 bar, restroom, and elevator/stairwell walls.
- The use of amplified speakers for recorded or live music performances shall be limited to up to 2:00 A.M.
- All disc jockeys (DJs) and musicians shall utilize the on-site sound system. The DJs and musicians shall use speakers set at or below pre-approved settings and in predetermined speaker locations and directions.

E. Entitlement Conditions – Site Plan Review

1. **Site Development.** The use and development of the property shall be in substantial conformance with the Site Plans, Floor Plans, Building Elevations, and Landscape Plan (Exhibit A - Project Plans, dated March 8, 2018, with revised page A0.002) of the subject case file, and the required design changes identified below. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
 - a) **Roof Design.** Project plans shall be revised to eliminate the flat roof design and replace it with a varied or sculptural roof design, in order to meet the following Downtown Design Guide standard, to the satisfaction of the Director of City Planning:

“A building’s top should be delineated with a change of detail and meet the sky with a thinner form, or tapered overhang. Towers should have tapered sculptural crowns and make an appropriate contribution to the quality and character of the Downtown skyline. Flat roofs are not recommended.”
 - b) **Blank Walls.** A wall system with trellises and a decorative metal green screen shall be constructed along any blank walls at the ground-level. The trellises shall include live plantings and a maintenance plan of the wall shall be submitted for review and approval by the Director of City Planning.
2. **Downtown Design Guide.** The project is in substantial conformance with the Downtown Design Guide. Any modification to the project plans shall be in substantial conformance with the standards and guidelines of the Downtown Design Guide.