

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**
SUPPLEMENTAL
CF 17-0029

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2015-2893-VZC-HD-CUB-ZAA-SPR	ENV-2015-2895-MND	13 – O'FARRELL
PROJECT ADDRESS:		
6407 W. SUNSET BOULEVARD (6407-6411 W. SUNSET BOULEVARD AND 1511 N. IVAR AVENUE AND 1512 N. CAHUENGA BOULEVARD)		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
JORDANN TURNER	213-978-1365	JORDANN.TURNER@LACITY.ORG

NOTES / INSTRUCTION(S):	
<p>TRANSMITTAL OF CONDITIONS OF APPROVAL AS MODIFIED BY THE PLANNING & LAND USE MANAGEMENT COMMITTEE ON AUGUST 1, 2017.</p>	
TRANSMITTED BY:	TRANSMITTAL DATE:
Claudia Rodriguez Council Liaison	AUGUST 3, 2017

**As modified by the Planning & Land Use Management (PLUM) Committee
on August 1, 2017**

CONDITIONS OF APPROVAL

Pursuant to Sections 12.28, 12.24 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 architectural and landscape plans, renderings, and materials submitted by the Applicant, stamped Exhibit B. No change to the plans shall be made without prior review by the Department of City Planning and written approval of 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.
2. The applicant shall make a good faith reasonable effort and support the hiring of a minimum of 50% of the operating hotel's workforce from within the City of Los Angeles.
3. **Parking.**
 - a. Automobile parking shall be provided in conformance with L.A.M.C. Section 12.21-A,4.
 - b. **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.
 - c. Bicycle parking shall be provide in conformance with L.A.M.C. Section 12.21-A,16.
4. **Signage.** All signage shall be in conformance with the Hollywood Signage Supplemental Sign District.

5. **Department of Transportation.**

- a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line.
- b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
- c. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3.

6. **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.

7. **Solar Panels.** 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.

8. **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.

9. **Graffiti.** 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.

10. **Landscaping.** The private terraces for the guest rooms on the third floor level shall be separated by permanent planters.

11. **Fire Department.** Submit plot plans for Fire Department approval and review prior to the issuance of a building permit. The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6504. You should advise any consultant representing you of this requirement as well.

- a. Access for Fire Department apparatus and personnel to and into all structures shall be required.

- b. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.
- c. Entrance to the main lobby shall be located off the address side of the building.
- d. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- e. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- f. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- g. Adequate public and private fire hydrants shall be required.
- h. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- i. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
- j. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- k. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

Conditional Use

- 12. 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 maintenance, use and operation of a proposed ground floor restaurant and bar/lounge, a ground floor outdoor dining area, second floor meeting rooms and hotel room controlled-access liquor cabinets.
 - b. The ground floor restaurant and bar/lounge areas may operate from 6am to 2 am, daily. After-hours use of this space, other than routine clean-up and maintenance, is not permitted.

- c. The outdoor patio area may operate from 9 am to 12 am (Midnight), daily. After-hours use of this space, other than routine clean-up and maintenance, is not permitted.
 - d. Alcoholic beverage service and consumption may occur in conjunction with the use of the second-floor meeting rooms and the second-floor roof-deck between the hours of 9 am to 12 am (Midnight), daily.
 - e. Alcoholic beverage service and distribution as it relates to operation and use of the roof-top garden terrace/pool areas, has not been requested nor approved. Sales and distribution of alcoholic beverages is prohibited in these areas of the hotel facility.
 - f. The second level roof-deck area of the premises may operate from 8 am to 12 am (Midnight), daily. After-hours use of this space, other than routine clean-up and maintenance, is not permitted.
 - g. The roof-top area may operate from 8 am to 12 am (Midnight), daily. After-hours use of this space, other than routine clean-up and maintenance, is not permitted.
13. 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.
 14. 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/lounge or second level meeting room areas are permitted provided that an appropriate one-day permit is submitted for approval to LAPD and ABC.
 15. 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.
 16. There shall be no live entertainment of any type, including the employment or feature of karaoke or disc-jockeys.
 17. 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.
 18. 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.

19. No amplified music is permitted in any portion of the subject premises with the exception of ambient music. Any ambient 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 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.
20. The ground floor hotel restaurant shall be permitted to provide ambient background music in the exterior outdoor seating areas only between the hours of 11 am and 12 am (Midnight), daily.
21. The circulation of ambient background music as it relates to the operation of second level roof-deck is permitted only between the hours of 11 am and 11 pm (Nightly).
22. The circulation of ambient background music as it relates to the operation of roof-top area is permitted only between the hours of 11 am and 11 pm (Nightly).
23. There shall be no Adult Entertainment of any type pursuant to L.A.M.C. Section 12.70.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.

29. 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.
30. 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.
31. 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.
32. 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 bar/lounge areas.
33. Partitions separating booth/dining areas in the ground floor restaurant and bar/lounge 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. The hotel restaurant facility shall be maintained as bona fide eating place (restaurants) with an operational kitchen shall provide full menus containing an assortment of foods

normally offered in such restaurants. Food service shall be available at all times during all operating hours of the hotel restaurant and bar/lounge facilities.

39. 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.
40. Petitioner(s) shall install and maintain security cameras and a three-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.
41. 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.
42. In addition to the security guard requirements delineated above, the applicant shall be required to provide a minimum of three (3) security guards on the premises during the all hours of hotel operation. The applicant shall additionally be required to employ a security guard supervisor 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 employment required per this provision for the ground floor restaurant and bar/lounge areas, will be employed in addition to and in enhancement of the three security guards and one security supervisor, who are mandated to be employed on the hotel premises during all hours of operation.
43. 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.
44. 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.

45. 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 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).
46. **Prior to the beginning of operations**, 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-2015-2893-VZC-HD-CUB-ZAA-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.
47. **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 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 beverages for on-site consumption in conjunction with the operation of a hotel known as "Ivar Gardens", and agree to abide and comply with said conditions.
48. 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.
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.

Zoning Administrator's Adjustment

50. **Rear Yard.** The project shall be permitted zero-foot rear yard (northerly yard) setback as shown in Exhibit "B".

Environmental Conditions

51. **Biological Resources.** Removal of trees in the public right-of-way requires approval by the Board of Public Works. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077). The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. All replacement trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.
52. **Geology and Soils.**
- a. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
 - b. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
 - i. A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
 - ii. "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.

- iii. "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- iv. Movement and removal of approved fencing shall not occur without prior approval by LADBS.

53. Greenhouse Gas Emissions.

- a. Low- and non-VOC containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the Project to reduce VOC emissions to the maximum extent practicable.
- b. Any new construction shall include 20 percent of parking spaces set aside for EV ready parking.

54. Hazardous and Hazardous Materials.

- a. Prior to the issuance of any use of land, grading, or building permit, the applicant shall obtain a sign-off from the Fire Department indicating that all on-site hazardous materials, including contamination of the soil and groundwater, have been suitably remediated, or that the proposed project will not impede proposed or on-going remediation measures.
- b. 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.

55. Noise

- a. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- b. To the maximum extent practical, demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall use either plug-in electric or solar generators.
- d. An acoustical sound blanket shall be erected along the Project Site's northerly property line to absorb construction noise levels generated by earthmoving equipment and foundation construction.
- e. An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call

and receive information about the construction project or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours.

- f. The Applicant shall provide a courtesy notice of the project's construction related activities to adjacent business owners a minimum of two weeks prior to commencement of construction.

56. Transportation/Traffic

- a. Implementing measure(s) detailed in DOT's communication to the Planning Department (DOT Case No. CEN 15-43958 dated January 6, 2016, See Appendix G to this MND) shall be complied with. Such report and mitigation measure(s) are incorporated herein by reference.
- b. A Construction work site traffic control plan shall be submitted to DOT for review and approval in accordance with the LAMC prior to the start of any construction work. The plans shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction related traffic shall be restricted to off-peak hours.
- c. All delivery truck loading and unloading shall take place on site or within the boundaries of an approved traffic control plan and the alley.
- d. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- e. The applicant shall be limited to no more than two trucks at any given time within the site's staging area.
- f. There shall be no staging of hauling trucks on any public streets, unless specifically approved as a condition of an approved haul route.
- g. No hauling shall be done before 9 a.m. or after 3 p.m. Trucks shall be spaced so as to discourage a convoy effect.
- h. A minimum of two flag persons are required. One flag person is required at the entrance to the project site and one flag person at the next intersection along the haul route.
- i. Truck crossing signs are required within 300 feet of the exit of the project site in each direction.
- j. Loads shall be secured by trimming and watering or may be covered to prevent the spilling or blowing of the earth material.
- k. Trucks and loads are to be cleaned at the export site to prevent blowing dirt and spilling of loose earth.

- l. A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.
- m. The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.
- n. The 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.
- o. Temporary pedestrian facilities shall be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- p. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- q. The 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

- 57. **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.
- 58. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
- 59. **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.

60. **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.
61. **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.
62. **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.
63. **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.
64. **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.
65. **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.

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.)

For the lounge/restaurant:

1. The sale of a full line of alcoholic beverages shall be limited from 6 a.m. to 2 a.m. daily.

2. No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.
3. No cocktail lounge shall be maintained on the premises separate from the dining area.
4. No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
5. 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.
6. The sale of alcohol shall be incidental to the sale of food, except in the lounge.
7. The sale of alcoholic beverages for consumption off the premises is prohibited.
8. Fortified wine (greater than 16% alcohol) shall not be sold.
9. There shall be no cocktail lounge or separate bar area.
10. 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.
11. The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
12. All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
13. The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
14. 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.