

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE
SUPPLEMENTAL
*CF 18-0873***

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2016-2601-VZC-HD-CUB-ZAA-SPR	ENV-2016-2602-MND	13 – O'Farrell
PROJECT ADDRESS:		
6421-6429 ½ West Selma Avenue and 1600-1604 North Wilcox Avenue		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
May Sirinopwongsagon	(213)978-1372	may.sirinopwongsagon@lacity.org

NOTES / INSTRUCTION(S):	
TRANSMITTED BY:	TRANSMITTAL DATE:
Rocky Wiles	February 21, 2019

CONDITIONS OF APPROVAL

As modified by the Planning and Land Use Management Committee on November 27, 2018

Pursuant to Section 12.24-W,1, 12.28, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions:

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the illustrative site plan, floor plans, elevations, sections, and renderings labeled Exhibit "A", dated July 2, 2018, except as may be revised as a result of this action.
2. **Building Location.** Each level of the subterranean parking structure shall be located at the following depths, as identified on the stamped Exhibit A Section Sheet 01C:
 - a. Level P1: -11'-5 ⁵/₈"
 - b. Level P2: -22'-6"
 - c. Level P3: -33'-2 ³/₄"

The configuration of Levels P2 and P3 shall be in substantial conformance with stamped Exhibit A Sheets 2 and 3 and shall not be expanded in area. Use of the areas within the subterranean structure shall be in substantial conformance with those identified on the stamped Exhibit A.

3. **Building Articulation.** The northerly and easterly elevations shall be revised to utilize façade articulation utilized on the southerly and westerly elevations to the satisfaction of the Director of Planning. The variation in brick articulation utilized on the westerly and southerly elevations shall be carried over to the northerly and easterly elevations, respectively.
4. **Density.** A maximum of 114 guest rooms may be permitted.
5. **Rooftop.**
 - a. The covered bar and lounge area indicated on the roof plan stamped Exhibit "A", shall be designed to be able to be fully enclosed with noise-attenuating features (physical as well as operational) by a licensed acoustical sound engineer to assure that operational sounds shall be inaudible beyond the property line.
 - b. Prior to the issuance of a Certificate of Occupancy, the sound levels shall be measured consistent with the procedures in LAMC Section 111.02. Documentation of the measurements shall be submitted to the Department of City Planning for the file.
 - c. A minimum six (6) foot high glass wall shall be installed around the perimeter of the rooftop deck, except where there is rooftop structure or other enclosed structure located at the perimeter of the building.
6. **Parking.**
 - a. Automobile parking spaces shall be provided pursuant to LAMC Section 12.21-A,4 and may be reduced utilizing bicycle parking replacement. Automobile parking may further be reduced by up to 20 percent, provided that the reduction is only applied to parking provided off-site.

Pursuant to Condition No 37, as part of the review of the effectiveness of, and compliance with the terms of this grant, the Zoning Administrator shall also assess the demand for parking. Upon review of evidence that there is a demand for the total number of Code required parking spaces, the Zoning Administrator may determine that the 20 percent reduction in parking is no longer granted and require that the applicant provide the total number of parking spaces required by LAMC Section 12.21-A,4.

- b. Automobile parking spaces may be provided off-site, within 750 feet, and shall be provided in compliance with LAMC Section 12.21-A,4(g) and 12.26-E,5. The applicant shall submit a copy of the recorded covenant and any lease agreements to the Department of City Planning to be placed in the file.
- c. Bicycle parking spaces shall be provided pursuant to LAMC Section 12.21-A,4 and 16, as effective on March 13, 2013.
- d. Electric Vehicle Parking. The Project will include at least 20 percent (20%) of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans will indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design will be based upon Level 2 or greater EVSE at its maximum operating ampacity. Five percent (5%) of the total code required parking spaces will be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or 5 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" will be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

7. Drop off/Pick Up.

- a. If valet service is used a copy of the contract with the valet company shall be submitted to the Department of City Planning 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 Department of City Planning 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.
- b. A drop off/pick up area may be designated off-site, within the area of the subject property's street frontage, for hotel guests and patrons of establishments on site.
- c. The drop off/pick up areas shall be subject to the review and approval from the Department of Transportation. The approved plan shall be submitted to the Department of City Planning for the file.

8. **Landscaping/Hardscape.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A.

- a. Tree Wells.
 - i. The minimum depth of tree wells located on a podium or 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 a podium or 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 tall at maturity).
 - b. New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise required by the Urban Forestry Division, Bureau of Public Works.
 - c. A minimum three (3) foot wide landscape planter, with a minimum depth of 42 inches, shall be installed around the perimeter of the rooftop, except where there is rooftop structure or other enclosed structure located at the perimeter of the building.
9. **Irrigation.** The Project shall be constructed with an operable recycled water pipe system for onsite greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by DWP in consultation with DCP.
10. **Solar Panels.** The project shall install the equivalent of 10 percent of the rooftop of the eight-story building or 595 square feet, whichever is greater, of solar panels as part of an operational photovoltaic system to be maintained for the life of the project. The 10 percent shall be calculated based on the area of the rooftop identified on the Rooftop Deck Floor Plan of the stamped Exhibit A dated July 2, 2018.
11. **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.
12. **Glare.** The exterior of the proposed structure shall be constructed of materials 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 to minimize glare and reflected heat.
13. **Construction Generators.** The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.

B. Alcohol Related Conditions:

14. Approved herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with:

- a. the operations of a 1,939 square-foot restaurant which may have a maximum of 100 seats (60 indoor and 40 outdoor seats). Outdoor seating located within the public right-of-way shall obtain a revocable permit prior to the issuance of a permit.;
- b. the operations of a 114 guest room hotel within:
 - i. the hotel lobby bar, which may have a maximum of 48 seats;
 - ii. "mini-bars" located within the hotel guest rooms;
 - iii. the rooftop outdoor bar and lounge and covered lounge, with a maximum of 187 seats.

15. Hours of operation approved herein are as follows:

- a. the 1,939 square-foot restaurant: 6:00 a.m. to 2:00 a.m., daily;
- b. the hotel lobby bar: 6:00 a.m. to 2:00 a.m., daily;
- c. the rooftop bar and lounge.
 - i. Outdoor patio areas: 7:00 a.m. to 12:00 a.m. (Midnight), daily
 - ii. Enclosed patio area: 7:00 a.m. to 12:00 a.m. (Midnight), daily, subject to the following:

When the enclosed bar and lounge 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.

The doors to the rooftop's covered bar and lounge area shall be closed whenever live entertainment, including DJs, and/or amplified music is played in the indoor area.
- d. After-hour use of the facilities, other than routine clean-up and maintenance is not permitted.

16. Restaurant.

- a. The 1,939 square-foot ground floor restaurant shall operate as a bona-fide restaurant, with its kitchen open for all hours of restaurant operations and food shall be available during all such hours. Customers of all ages shall be permitted during all hours of operations.
- b. 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.

17. Age Verification.

- a. 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.

- b. Hotel Guest Room Mini-Bars. 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

18. Live Entertainment:

- a. Restaurant. Live entertainment, amplified music, or ambient music may be permitted indoors within the 1,939 square-foot restaurant and the outdoor seating area.
- b. Hotel.
 - i. Live entertainment, amplified music, or ambient music may be permitted within the within the hotel lobby and enclosed rooftop bar and lounge area.
 - ii. No live entertainment or amplified music shall be permitted in any patio or outdoor areas, including the outdoor rooftop patio or bar and lounge area. Ambient music may be permitted.
- c. Live entertainment is subject to any required permits to be reviewed and approved by the Los Angeles Police Commission, as applicable. Live entertainment may include but not be limited to live bands, a DJ or karaoke, provided the latter is not conducted in private rooms.
- d. 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.
- e. No Dance Hall or Hostess Dance Hall, as defined by LAMC Section 12.03, use shall be permitted without the approval of a Conditional Use Permit pursuant to LAMC Section 12.24 W,18. Patron Dancing is not permitted nor shall the Petitioner(s) accommodate or endorse dancing features in any fashion.
- f. There shall be no pool table or billiards table, electronic games, coin-operated games, dart games, or video machines maintained upon the premises at any time.

19. A "Free Designated Driver Program" shall be implemented in which "FREE Non-Alcoholic Beverages" will be offered to the designated drivers: such as coffee, tea, or sodas approved by the Zoning Administrator. An explanation of the program shall be printed on the restaurant menus and/or made known to patrons via a two-sided card placed on all restaurant tables. Information pertaining to the "Designated Driver Program" shall additionally be detailed on the hotel website or page and/or any social media account dedicated to the hotel/hotel restaurant operations.

20. Security. Between 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 on Thursdays, Fridays and Saturdays.

During the hours of 8:00 p.m. and 12:30 a.m., the applicant shall provide a minimum of two (2) security guards in the rooftop enclosed bar/lounge area and in the outdoor rooftop patio areas, Thursday, Fridays, and Saturdays.

In addition to the security guard requirements delineated above, the applicant shall be required to provide a minimum of two (2) security guards on the premises during the all hours of hotel operation. The additional security employment required per this provision for the ground floor restaurant and bar/lounge areas as well as the rooftop bar/lounge area, will be employed in addition to and in enhancement of the three security guards who are mandated to be employed on the hotel premises during all hours of operation.

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

21. Admission and Third Party Promoters.

- a. The applicant/operator shall not require an admission or cover charge. Any advertising of an admission charge or cover is prohibited.
- b. **[MODIFIED]** The applicant shall not sublet the premises to outside "promoters" for nightclub or concert activity. Private parties hosted by the hotel or future operators of the ground floor dining area 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 permit is submitted for approval to LAPD and ABC.

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). The applicant shall at all times remain in operational control of the subject premises and shall not relinquish authority of the premises to outside promoters, organizations or entertainers.

- c. The facility shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the facility for uses such as or

- similar to rave parties, electronic music parties, or record release parties advertised and open to the general public.
- d. At no time shall any form of membership card or compensation be a pre-requisite for admission to the facility at large unless the applicant is featuring a special event which has received prior written approval from the Hollywood Vice Office to commence in conjunction with the operation of the subject premises.
22. 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.
23. Partitions separating booth/dining areas in the ground floor and rooftop restaurants 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.
24. 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 customers while in the premises, nor shall the licenses 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.
25. No loitering on the premises, public way adjacent to the premises, or property adjacent to the premises over which the applicant has control.
26. The applicant shall be responsible for maintaining free of litter, the premises and the area adjacent to the premises over which they have control. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Petitioner(s) shall be removed or painted over within 24 hours of being applied.
27. Within six months of the date of this determination and within six months of hire, all personnel acting in the capacity of a manager of the premise and all personnel who serve alcoholic beverages shall attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. Upon completion of the training, the applicant shall provide evidence to the Zoning Administrator that such training was provided.
28. The applicant / hotel operator / restaurant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line 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 on this hotline.
29. 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 as required by law.

30. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Director's designee shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Director's Designee may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation.
31. The approved conditions shall be retained on the premises at all times and produced upon request of the Police Department, the Department of Building and Safety or City Planning. All licenses, permits and conditions shall be posted in a conspicuous location at the facility. Additionally, copies of the ABC operating conditions and conditional use permit conditions shall be provided to all employees working in the facility. Establishment employees are required to be knowledgeable of the establishment operating conditions and shall sign a document acknowledging that they have read and understood all of the ABC and conditional use permit conditions. Said acknowledgment form(s) shall be maintained at the location by the operator and/or manager who shall present the document(s) to Police Department personnel, ABC Investigators or any other City agency upon request.
32. Petitioner(s) shall maintain on the premises and present upon request to any law enforcement officer, a copy of the Business Permit, Insurance information and a valid emergency contact phone number for the Security Company service(s), Valet Company service(s), and the property owner.
33. 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.
34. The applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
35. 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.
36. **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. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with the retail store, known as [OPERATION NAME], and agree to abide and comply with said conditions.

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

37. **[Added] Plan Approval.** The applicant shall file a Plan Approval application twenty-four (24) months from the operational date of this determination. The operational date of this determination shall be identified and confirmed by the Department of City Planning. The Plan Approval application shall be subject to filing fees established by the Los Angeles Municipal Code Section 19.01-E. A public hearing shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the express terms of this grant, including but not limited to the approval of a 20 percent reduction in parking pursuant to LAMC Section 12.24 S. The applicant shall provide documentation which reflect the parking demands of the operation of the hotel and restaurants. 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, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
38. 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.
39. The applicant(s) 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.
40. **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.
41. 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.

C. Environmental Conditions:

42. **Public Services (Police – Demolition/Construction Sites).** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the hotel street level and to keep unpermitted persons from entering the construction area.

43. **Public Services (Police).**

- a. The plans shall incorporate a design that references the “Design Out Crime Guidelines: Crime Prevention Through Environmental Design”, published by the LAPD. These measures shall be approved by the LAPD prior to the issuance of building permits.
- b. Public Services (Police). Upon completion of the Project, the LAPD 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.

44. **Construction Traffic Control/Management Plan.** A construction work site traffic control plan shall be submitted to DOT for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction-related traffic shall be restricted to off-peak hours.

45. **Transportation Demand Management and Monitoring Program.**

- a. The Applicant shall prepare and submit a preliminary Transportation Demand Management Plan (TDM) to the Department of Transportation prior to the issuance of the first building permit for the Project. A final TDM shall be submitted and approved by the Department of Transportation prior to the issuance of the first certificate of occupancy for the project.

The TDM shall include strategies, as determined to be appropriate by the Department of Transportation, which would have a minimum ten (10) percent effectiveness in reducing new vehicle trips.

In the event that the Project would provide twenty (20) or more required parking spaces off-site, the TDM shall demonstrate a minimum twenty (20) percent effectiveness in reducing new vehicle trips.

- b. In the event that the Project would provide twenty (20) or more parking spaces off- site and is required to implement a TDM which has a minimum twenty (20) percent effectiveness in reducing the total net project trips, a Monitoring Program (MP) shall be prepared to provide continued monitoring of the TDM’s effectiveness. The MP shall be prepared by a licensed Traffic Engineer and submitted to the Department of Transportation for review. The MP shall continue until such time that the Project has shown, for three consecutive years, at a minimum of 85 percent occupancy, achievement of the peak hour trip volume requirements listed. Should the review show that the peak hour trip cap threshold has been exceeded the Project shall have one year to attain compliance or be subject to a penalty program.

Implementation of the TDM shall be at the Project’s expense.

Strategies may include, but shall not be limited to, the following:

1. Provide guest assistance on arrival and departure to find options to personal or rented vehicles to access the site.
 2. If found feasible by LADOT and Metro, improve the existing bus stop on the north side of Hollywood Boulevard east of Wilcox Avenue where there is an existing sign, bench and trash receptacle with a weather protected cover. Improve the bus stop on the south side of Hollywood Boulevard west of Cahuenga Boulevard where a bus sign only with a bench, trash receptacle, weather protected cover and bench. Improve the bus stop on the north side of Sunset Boulevard west of Wilcox Avenue where a bus sign, a bench, and trash receptacle with a weather protected cover;
 3. Provide a visible on-site kiosk with options for ridesharing, bus routes and bike routes in a prominent area(s) in view for hotel guests, employees and patrons of the restaurants;
 4. Provide information for guests of the hotel upon check in that includes the transit, bike routes, and nearby walking opportunities as options to use rather than person vehicles;
 5. Provide an on-site TDM manager to assist hotel guests navigate the alternative modes of transportation options, in matching rideshare partners for the employees, determining transit routes for employees, and promoting TDM program;
 6. Provide access pass and transit pass reductions for employees;
 7. Provide bicycle spaces to encourage cycling as an alternative to single occupant vehicles;
 8. Provide bicycle sharing service for guests and employees use;
 9. Provide amenities to encourage guests of the hotel spend some of their time eating, relaxing and recreating on-site.
46. **Transportation (Pedestrian Safety).** The developer and contractors shall maintain ongoing contact with administrator of Selma Elementary School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (213)580-2950 or (213)580-2900 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained.

D. Administrative Conditions

47. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

48. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
49. **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.
50. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
51. **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.
52. **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.
53. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
54. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

55. 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.
- The quarterly gross sales of food shall not exceed the gross sales of alcohol. The business operator shall maintain records which reflect these numbers and make them available to the Police Department of the California State Department of Alcoholic Beverage Control upon request.