

MODIFIED CONDITIONS, DATED September 15, 2020

SECTION 1: NEW CONDITIONS

I. COMPLIANCE MONITORING

A. To prevent any negative neighborhood impacts, the applicant shall submit a condition compliance report every six months for five years from issuance of the Certificate of Occupancy for the hotel use to the Department of City Planning and Council District 11. The purpose of the report is to:

1. Demonstrate the effectiveness of, and compliance with the express terms of all conditions, including but not limited to, Conditions 15 (Parking), 16 (Valet Parking), 17 (Loading), 18 (Trash Pick-up), 22 (Alcoholic Beverage Conditions), 25 (Complaint Log), 27 (employee and patron monitoring), 28 (loitering), 32 (electronic age verification), 36 (noise levels), 39 (private events), 42-47 (entertainment/music 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 may require a plan approval, as necessary, and reserves the right to conduct a public hearing for nuisance abatement/revocation purposes.
2. Evaluate the parking operations for consistency with these conditions of approval, and operational conditions as set forth in the Environmental Impact Report (EIR) for the Project. The compliance analysis shall be conducted by a licensed parking consultant, and should evaluate the project's parking operations, surveying queuing capacity, retrieval times, overall parking utilization of the subterranean garage, complaint log, and data required to be maintained by the operator on peak hour function of the automated parking operations. The analysis shall be conducted during peak operating hours, and shall include at a minimum one weekday and one weekend time period. Any operational modifications necessary to comply with conditions of approval and the assumptions within the EIR shall be implemented to the satisfaction of the Department of City Planning, in consultation with the Department of Transportation.

II. PLAN APPROVAL

The applicant shall file a Plan Approval application no sooner than 24 months but within 36 months from issuance of the Certificate of Occupancy for the hotel use. 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 all conditions, including but not limited to, Conditions 15 (Parking), 16 (Valet Parking), 17 (Loading), 18 (Trash Pick-up), 22 (Alcoholic Beverage Conditions), 25 (Complaint Log), 27 (employee and patron monitoring), 28 (loitering), 32 (electronic age verification), 36 (noise levels), 39 (private events), 42-47 (entertainment/music 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, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

III. PEDESTRIAN SAFETY IMPROVEMENTS

Prior to issuance of a building permit, the Project Applicant shall submit a payment of up to **\$75,000** to the Coastal Transportation Corridor Specific Plan (CCSP) Fund 447 to an account (to be designated) within the same fund for the purpose of Safe Routes to School for the benefit of Westminster Elementary School, as deemed necessary by the Los Angeles Department of Transportation.

IV. AFFORDABLE HOUSING

Prior to issuance of a building permit, the Project Applicant shall contribute **\$750,000** to the Affordable Housing Trust Fund, earmarked for the preservation, construction, or acquisition of affordable housing in the Venice Community Plan Area. Expenditures will be determined by Council District 11, in consultation with the Oakwood Community of Venice.

V. LOCAL HIRING PROGRAM

The Applicant shall work with Council District 11 to create a local hire program, for both construction and ongoing jobs, targeting the Venice Community with an emphasis on hiring from disadvantaged communities.

VI. ELECTRIC AVENUE FACADE

The Applicant shall work with local residents, especially members of the Oakwood community, to consider appropriate art or aesthetic features for the Electric Avenue side of the building.

SECTION 2: TECHNICAL CORRECTIONS & REVISED CONDITIONS

GLOBAL: ~~Apartment Hotel-Mixed-Use~~ and/or ~~Apartment Hotel-Hotel~~

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CONDITION 6

Uses. The project shall be limited to a mixed-use development comprised of the following:

- a. ~~An apartment~~**A** hotel **with** up to a maximum of 78 guest rooms and a minimum of 4 dwelling units. The dwelling units shall be used for long-term stay; transient occupancy shall not be permitted in the dwelling units.
- b. One new 3,810 square-foot hotel restaurant, limited to a maximum of 2,514 square feet of Service Floor Area (dining area) , as shown on ~~Sheet X~~**Sheet X2** and X3 of ~~"Exhibit A"~~**Exhibit A.**
 - i. **Table service shall be prohibited in the outdoor courtyard.**
- c. A hotel market limited to a maximum of 2,935 square feet, having 170 square feet of

Service Floor Area.

- d. Office uses limited to a maximum of 2,027 square feet.
- e. Spa facilities limited to a maximum of 1,735 square feet.

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CONDITION 10

Height. The project shall be limited to a maximum flat roof height limit of 30 feet, **to the top edge of the roof parapet, as defined by Sections 9 and 10 of the Venice Coastal Zone Specific Plan.** ~~as measured from the midpoint of the centerline of Electric Avenue or Abbot Kinney Boulevard, whichever street is lowest in elevation, to the top edge of the roof parapet.~~

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CONDITION 13

Rooftop Deck. Railings used on the proposed rooftop decks shall be of an open design and shall be limited to a height of 42 inches. Solid glass railing shall count towards the measurement of the building's height.

- a. Use of the rooftop decks shall be restricted to hotel guests, **their guests**, and employees.
 - i. Pool deck hours shall be limited to 6:00 am-11:00 pm.
 - ii. Use of the pool shall be limited the hours of 6:00 am-10:00 pm.
- b. The rooftop deck area, along Westminster Avenue, shall be stepped back a minimum of 12 feet from the property line. The rooftop deck area along Broadway shall be stepped back a minimum 12 feet from the property line.
- c. No other rooftop deck shall be permitted.
- d. As shown on Sheet No. 1017 of "Exhibit A", solar panels or a 2,128 square-foot rooftop garden may be installed within the step-back area along Electric Avenue.

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CONDITION 15:

Parking. A minimum of ~~175~~**184** vehicle parking spaces shall be provided onsite. Off-site parking shall be prohibited **for the purposes of meeting the parking requirements of the LAMC and Specific Plan.**

- a. Parking for the new mixed-use development shall be as follows:

USE	PARKING STANDARD	PROJECT	REQUIRED
Hotel	2 spaces; <i>plus</i>		2 spaces
Dwelling Unit	2 spaces per DU; <i>plus</i>	4 dwelling units	8 spaces
Guest Room	1 space per guest room (first 30 rms); <i>plus</i> 1 space per 2 guest rooms (31-60 rms); <i>plus</i> 1 space per 3 guest rooms (60+ rms); <i>plus</i>	78 guest rooms	51 spaces
Service Floor Hotel Restaurant	1 space per 100 SF of floor area used for consumption of food or beverages.	2,514 SF Service Floor	25 spaces
Office	1 space per 250 SF	2,027 SF	8 spaces
Spa	1 space per 250 SF	1,735 SF	7 spaces
Retail	1 space per 225 SF	2,935 SF	13 spaces
(w/ seating)	1 space per 50 SF	170 SF	3 spaces
Beach Impact Zone	1 space per 640 SF of ground floor area	14,256.75 SF	22 spaces
			139 spaces
Existing Restaurants	1 space per 50 SF of Service Floor Area	2,268 SF	45 spaces
Total Automobile Parking Spaces			184 spaces

- b. Parking design and layout shall be subject to review and approval by LADBS and include the ability to accommodate electric vehicle supply equipment (EVSE).
- c. All required parking for the existing restaurants located at 1021-1029 Abbot Kinney Boulevard shall be maintained and provided in conjunction with the proposed project, as determined by the Department of Building and Safety (LADBS).
- d. Vehicle access shall be provided along Electric Avenue. The project's driveway design and internal circulation pattern shall be approved by the Department of Transportation prior to the issuance of a building permit. **Should the Project's valet operations and/or onsite queuing location be unable to accommodate service levels identified and analyzed in the Environmental Impact Report for the Project, and the community be subjected to frequent queuing backup onto Electric Avenue or neighboring streets, the operator shall provide an off-site parking location for this overflow, subject to review and approval by the Department of Building and Safety and Department of Transportation.** A copy of the approved circulation plan shall be submitted to the Department of City Planning to be placed in the subject case file.
- e. Bicycle parking shall be provided in conformance with the LAMC.
- f. Employees shall be prohibited from parking vehicles within the adjoining residential neighborhoods.
- g. **The required parking spaces may be replaced with bicycle parking, at a ratio of one standard or compact automobile parking space for every four bicycle parking spaces, as provided in LAMC Section 12.21-A.4.**
- h. BIZ Parking. In lieu of physically providing the spaces, a fee of \$18,000.00 per space may be paid for up to 50 percent of the total number of required BIZ parking spaces. All fees shall be paid into the Venice Coastal Parking Impact Trust Fund.

CONDITION 16.

Valet Parking. All valet parking operations shall be conducted onsite; the queuing of vehicles

shall be prohibited in the public right of way. **These limitations shall not apply to the existing valet operation on Abbot Kinney Boulevard. Queuing shall not be permitted beyond the property line on Abbot Kinney.**

- a. **Primary valet operations shall be provided on a 24-hour basis at the existing Main Valet Area on Electric Avenue.**
- b. **Additional valet operations shall be provided, starting at 5:00 PM daily, at the Secondary Valet Area on Abbot Kinney Boulevard. The Secondary Valet Area shall be designated as the curbside space between Broadway Street and the Project property line with 1039 Abbot Kinney Boulevard.**
- c. **Use of the Secondary Valet Area shall be permitted prior to 5:00 PM consistent with Condition 38 related to Private Hosted Events.**
- d. Valet parking shall be provided to restaurant patrons. The availability of said validated parking and the location of said parking shall be made known to the public via the restaurant menu, a posting of the information at readily visible locations and on the restaurant website. The applicant shall provide a copy of the menu, signs or web page, for inclusion in the case file.
- e. A single valet operator shall be on-site who shall be responsible for enforcement of any conditions of this action regarding valet parking.
- f. Valet parking shall be required to obtain all applicable licenses and/or permits from the Department of Transportation and the Los Angeles Police Department. Proof of licenses and/or permits shall be submitted to the Department of City Planning.
- g. A valid valet parking contract in compliance with this condition shall be submitted to the Department of City Planning. The contract shall be maintained for the life of this grant and shall include the hours of valet service and the number of valet attendants to be provided as well as the valet parking locations. If the valet operator is replaced, a copy of the replacement contract shall be provided to the Development Services Center within 30 days upon execution of the new contract.
- h. The valet operator shall be required to obtain a valid LAPD Commission Investigation Division (CID) Valet Operator Permit pursuant to LAMC Section 103.203 (b) and each valet attendant shall have a valid CID permit along with a valid California Driver License in their possession while on duty.

Note: Prior to providing valet services, the applicant should e-mail ladot.valetop@lacity.org to begin the application process, review, and approval of valet operations.

- i. Valet service shall not utilize any local streets for the parking of any vehicles at any time.
- j. The applicant shall utilize social media, webpages, or other media to provide travel information to the restaurant. Such information shall promote the use of alternate travel means to automotive transportation (walk, bike, public transit, rideshare/service, or carpool). For any patrons desiring to drive a personal vehicle to the venue, parking information must direct them to either use the valet service or park on surface streets within the commercial district (i.e. Abbot Kinney Boulevard).

- k. The applicant or operator will be required to collect and maintain data on the peak-hour function of the automated parking system and whether it achieves stated/evaluated performance levels specified by TRANS-PDF-9 of the Mitigation Monitoring Program, and share that data in required compliance reports, and upon request from LADOT.
- l. If the automated parking system does not achieve the stated/evaluated performance levels specified by TRANS-PDF-9 of the Mitigation Monitoring Program, the applicant shall reduce operations and nightly bookings of the hotel (except for special events) until additional parking can be secured to maintain required levels of service.
- m. If the automated parking system fails, suffers from chronic malfunction, or will be out of service for an extended period of time, the applicant or operator will notify the Department of City Planning immediately and present a mitigation strategy.
- n. Failure of, problems with, or persistent underperformance by the automated parking system may trigger plan approval by Zoning Administrator, which may result in additional operational restrictions on the project.

CONDITION 17.

Loading. Pursuant to LAMC Section 12.21 C.66, all required loading areas shall be provided onsite. Commercial loading **shall be prohibited on street along Broadway.** ~~Passenger loading shall be prohibited along Abbot Kinney Boulevard.~~ **An existing passenger loading area shall be maintained on Abbot Kinney Boulevard, subject to review by the Department of Transportation.**

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CONDITION 19:

Dedications and Improvements. Dedications and improvements shall be determined by the BOE, except as follows:

- a. A 5-foot dedication shall be required on Electric Avenue, in lieu of the otherwise required 7.5 feet. **In addition, a 2.5-foot-wide ground-floor public sidewalk easement shall be provided adjoining the dedication. Building and floor area encroachments are permitted below grade to the property line, and above grade over a vertical clearance of 8-feet, for a maximum depth of 30".**
- b. A 2-foot dedication shall be required on Westminster Avenue in lieu of the otherwise required 5 feet.

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CONDITION 22:

Authorized herein is the sale and dispensing of a full line of alcoholic beverage for on-site consumption, in conjunction with a new apartment hotel and a 3,810 square-foot hotel restaurant; the sale and dispensing of a full line of alcoholic beverage for on-site and off-site consumption in conjunction with a 2,935 square-foot hotel market.

Subject to the following limitations:

- a. Hotel. Alcoholic beverages may be served between the hours of 7:00 A.M. to 1:00 A.M., **Saturday and Sunday, and 9:00 A.M. to 1:00 A.M., Monday through Friday.** in the hotel lobby, outdoor courtyard, hotel lounge areas, and hotel business center. Alcoholic beverages may be provided within hotel guest rooms in liquor cabinets and by hotel guest room services.
- b. Hotel Restaurant. The hours of operation **for alcohol sales** shall be limited to 7:00 A.M. to 1:00 A.M, **Saturday and Sunday, and 9:00 A.M. to 1:00 A.M., Monday through Friday.** The restaurant shall be limited to 2,514 square feet of Service Floor Area, having a maximum of 195 indoor seats and 65 outdoor seats, provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
- c. Hotel Market. The hours of operation **for alcohol sales** shall be limited to 7:00 A.M. to 1:00 A.M, **Saturday and Sunday, and 9:00 A.M. to 1:00 A.M., Monday through Friday.** The on-site consumption of alcoholic beverages within the 2,935 square-foot market shall be limited to a seating area limited to 170 square feet of Service Floor Area.

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CONDITION 25:

Complaint Log. A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:

- a. Entry, visible to pedestrians
- b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

Complaint log data shall be reported in the condition compliance report

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CONDITION 38.

~~Private Events. Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.~~

- a. **Not more than one hosted event shall be permitted on-site at any given time.**
- b. **Except in accordance with the conditions in the table below, no private hosted events shall be permitted between 3:00 p.m. and 6:00 p.m. on weekdays or shall start or end between 12:00 p.m. and 2:00 p.m. on weekends unless 1) a temporary special event permit is obtained from the City and 2) off-site parking is provided per the table below. Private hosted events shall adhere to the following:**

	Maximum Event Size; no off-site parking	Maximum Event Size (minimum 4 valet on Abbot Kinney)	Maximum Event Size (minimum 8 valet on Abbot Kinney)
Weekday p.m. peak (3:00 - 6:00 pm)	Not permitted	Not permitted	Not permitted
Weekday non-p.m. peak	58 people	93 people; 28 cars parked off-site	131 people; 46 cars parked off-site
Weekend peak (12:00 - 2:00 p.m.)	Not permitted*	45 people; 23 cars parked off-site	Not permitted*
Weekend non-peak	43 people	78 people; 23 cars parked off-site	112 people; 46 cars parked off-site
* Private hosted events would be permitted so long as it includes a partial restaurant buy-out commensurate with the size of the hosted event.			

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MITIGATION MONITORING PROGRAM

TRANS-PDF-2 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM

The Project Applicant shall submit to DOT a Transportation Demand Management (TDM) Plan designed to reduce the total net project trips during the peak commute periods. The "peak trip goal" shall be 80 (driveway) P.M. peak hour trips generated by the project as shown in Table 4 provided in Attachment "A" of Appendix K-2 of the Draft EIR. The TDM Plan will prepare and implement a TDM Program that includes strategies to promote non-auto travel and reduce the use of single-occupant vehicle trips. As appropriate, these measures would be designed to provide incentives for use of transit and rideshare, to reduce the number of vehicle trips, and facilitate LADOT's First and Last Mile Program. A full detailed description of the TDM Program shall be prepared by a licensed Traffic Engineer and submitted to DOT for will be subject to review and approval, prior to the issuance of any certificate of occupancy by the Department of City Planning and LADOT. The TDM Program strategies shall include, but shall not be limited to, the following:

- Implementation of an interactive, digital Transit Information Display;
- Implementing flexible/alternative work schedules and telecommuting programs; Implement enhanced pedestrian connections (e.g. improve sidewalks, widen crosswalks adjacent to the project, and pedestrian level lighting, etc.);
- Design the project to ensure a bicycle, pedestrian and transit friendly environment;
- Providing bicycle amenities such as bicycle racks and lockers for employees;
- Participation in the Metro Business Transit Access Pass (B-TAP) Program;
- Providing bicycles for patrons and employees to use; Provide parking as an option only (i.e. unbundle the parking);
- Coupled with the unbundled parking, provide on-site car share amenities;
- Provide rideshare program and support for project employees and tenants;
- **Providing free transit passes to hotel guests upon request**

The project shall also provide a mitigation monitoring system to confirm that the project is achieving the trip reduction target as needed.