

## **CONDITIONS OF APPROVAL**

(As modified by the City Planning Commission at its meeting on November 5, 2020)

### **CONDITIONS OF APPROVAL FOR THE SPECIFIC PLAN AMENDMENT (LAMC SECTION 11.5.7 G), CONDITIONAL USE PERMITS (LAMC SECTION 12.24), PROJECT PERMIT COMPLIANCE (LAMC SECTION 11.5.7 C), and SITE PLAN REVIEW (LAMC SECTION 16.05)**

The applicant shall be required to adhere to the following conditions:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled Exhibit "A" and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Valley Project Planning Bureau, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Revised Site Plan.** The project shall revise the site plan to show no driveway in front of the building and an auto-turnaround/drop-off zone to the eastern side of the structure.

#### **Entitlement Conditions: Specific Plan Amendment**

3. Ventura-Cahuenga Boulevard Corridor Specific Plan regulations shall be modified as follows:
  - a. Section 6.B, shall be amended to add subsection 6.B.5, the language: "The following Floor Area Ratio shall apply to hotel projects within the Neighborhood and General Commercial Plan Designation for the area, east of the intersection of De Soto Avenue and Ventura Boulevard, and west of the intersection of Winnetka Avenue and Ventura Boulevard, on the north side of Ventura Boulevard, with an existing lot size no greater than 55,000 square feet: a maximum Floor Area Ratio of 1.5:1."
  - b. Section 7.E.1.e.2, shall be amended to add "For the area east of the intersection of De Soto Avenue and Ventura Boulevard, and west of the intersection of Winnetka Avenue and Ventura Boulevard, on the north side of Ventura Boulevard, with an existing lot size no greater than 55,000 square feet, for hotel projects within the Neighborhood and General Commercial Plan Designation- a building height of up to 73 feet."

#### **Entitlement Conditions: Conditional Use Permits**

4. A copy of the 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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
5. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a hotel restaurant of 2,175 square feet and lounge of 882 square feet. The grant shall be subject to the following limitations:
  1. The hours of operation for both establishments shall be limited to 11:30 a.m. to 11:00 p.m., daily.

2. Seating shall be limited to a maximum of 154 seats in the restaurant and 34 seats in the lounge. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
6. The hotel restaurant establishment shall be maintained as a bona fide eating place with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
7. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
8. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
9. **Complaint Log.** Prior to the utilization of this grant, 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:
  1. Entry, visible to pedestrians
  2. 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.
10. **STAR/LEAD Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or the ABC to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. CPC-2016-4785-SP-SPP-VZC-HD-CU-CUB-SPR, from the Police Department or the ABC to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
11. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
12. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.

13. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in an effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
14. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
15. Parking shall be provided in compliance with the Municipal Code and/or the Ventura/Cahuenga Boulevard Corridor Specific Plan (whichever is more restrictive) and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein. The fee required by Condition 30. h. does not constitute a variance but is required of the applicant in lieu of the subject spaces as permitted by the Ventura - Cahuenga Boulevard Corridor Specific Plan.
16. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.
17. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
18. 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.
19. The applicant(s) shall comply with 6404.5(b) of the California State 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.
20. 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 without being disruptive to persons on adjacent properties.
21. The exterior windows and glass doors of the venue 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 venue by Police and/or private security.
22. Designated Driver Program. Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.

23. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows.
24. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
25. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
26. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
27. **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.
28. There shall be no speakers or amplified sound permitted in the outdoor dining area.
29. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
  - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will 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 included in the administrative file.
  - b. The owner and operator shall be notified of the deficiency or violation and 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, may result in additional corrective conditions imposed by the Zoning Administrator.
30. Should there be a change in the ownership and/or the operator of the business, the property owner or the business owner or operator shall provide the prospective new property owner or 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 including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Development Services Center 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 Development Services Center within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.
31. Should there be a change in the ownership and/or the operator of the business, an increase to the hours of operation, an increase to the number of seats or the square-footage of alcohol

service area, the Development Services Center reserves the right to require that the new owner or operator file a Plan Approval application for review and approval by the Zoning Administrator, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

32. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.

**Entitlement Conditions: Ventura-Cahuenga Boulevard Corridor Specific Plan Project Permit Compliance**

33. **Front Yard Setback.** The project shall not encroach closer than 18 inches from the front lot line, nor further than 60 feet for 50 percent or more of the street frontage.
34. **Signage.** No signage is proposed or approved for this project. A subsequent case will be required should the applicant wish to add signs to the project site.
35. **Certification of Landscape Installation.** Prior to obtaining a Certificate of Occupancy, the project architect, landscape architect, or engineer shall certify in a letter to the Department of City Planning and to the Department of Building and Safety that the approved landscape plan has been implemented.
36. **Lighting.** Lighting should be directed onto the site, and be adequately aimed and shielded so as to not spill over onto adjacent properties, especially into areas planned and zoned for residential uses. . All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties, and the night sky (unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes).
37. **Streetscape Improvement.** The project shall comply with the Woodland Hills Streetscape Plan for sidewalk treatment, parkways, street trees, tree wells, furniture, utility vaults, etc. as specified in the T conditions and to the satisfaction of the Department of Public Works.
38. **Specific Plan Covenant and Agreement.** A Covenant and Agreement shall be recorded with the Los Angeles County Recorder acknowledging the contents and limitations of the Ventura/Cahuenga Boulevard Corridor Specific Plan, as well as the conditions of approval established herein. The Covenant and Agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns and shall be submitted to the Department of City Planning for approval prior to being recorded. After recording, a copy

bearing the County Recorder's number and date shall be provided to the Department of City Planning for attachment to the administrative file.

### **Site Plan Review and General Conditions**

39. **Landscaping.** The landscape plan shall indicate landscape points for the Project as required by LAMC 12.40 and Landscape Ordinance Guidelines "O". The final landscape plan shall be in substantial conformance with the submitted Landscape Plan, Exhibit "A," and shall incorporate any modifications required as a result of this grant.

New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works.

40. **Heat Island Effect.** To reduce the heat island effect, a minimum of 50% of the area of pathways, patios, driveways or other paved areas shall use materials with a minimum initial Solar Reflectance value of 0.35 in accordance with ASTM (American Society of Testing Materials) standards.
41. **Ground Floor Façade Landscaping.** All portions not dedicated to windows or entrances for pedestrians or vehicles of the commercial ground floor façade shall be landscaped with trees and shrubs.
42. **Courtyard Landscaping Plan.** Prior to final sign-off, the applicant shall provide an enhanced landscape plan detailing the second story courtyard area.
43. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. Any other equipment, such as a transformer, shall also be screened from view.
44. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
45. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.
46. **Signs During Construction.** There shall be no off-site commercial signage on construction fencing during construction.
47. **Conditions for the Los Angeles Unified School District (LAUSD).**
- a. Contractors shall maintain ongoing communication with Taft High School administrators, providing sufficient notice to forewarn children and parents when existing pedestrian routes to school may be impacted.
  - b. Contractors shall install and maintain appropriate traffic controls (signs and signals) to ensure pedestrian safety. These signs and signals may be satisfied with pedestrian safety signage placed along/near the Project Site's frontage on Ventura.
  - c. Barriers and/or fencing must be installed to secure construction equipment and to minimize trespassing, vandalism, short-cut attractions, and attractive nuisances.

**Environmental Mitigation Conditions**

48. **Air Quality- Construction Vehicles.** All off-road construction equipment greater than 50 hp shall meet USEPA Tier 4 emission standards to reduce NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions at the Project Site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.

During plan check, the Project Applicant shall make available to the lead agency and SCAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower that shall be used during any portion of demolition/excavation activities and concrete pour days for the mat foundation for the Project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and CARB or SCAQMD operating permit shall be available on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit. Off road diesel-powered equipment within the construction inventory list described above shall meet Tier 4 CARB/USEPA standards.

49. **Air Quality- Hauling Vehicles.** The Project Applicant shall use 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet USEPA 2007 model year NO<sub>x</sub> emissions requirements.
50. **Noise- Construction Vehicles.** All diesel-powered construction vehicles shall be equipped with exhaust mufflers or other suitable noise reduction devices capable of achieving a sound attenuation of at least 3 dBA.
51. **Noise- Sound Barriers.** Temporary sound barriers capable of achieving a sound attenuation of at least 10 dBA shall be erected along the Project's boundaries.
52. **Tribal Cultural Resources- Monitor.** The Project Applicant shall retain a professional Native American monitor in consultation with Fernandeno Tataviam Band of Mission Indians and Gabrieleno Band of Mission Indians-Kizh Nation (the consulting Tribes) to observe all clearing, grubbing, and grading operations of up to five feet below ground surface of native soil, unless there is evidence to suggest cultural resources extend below the specified depth. If cultural resources are encountered, the Native American monitor shall have the authority to request ground disturbing activities cease within 60 feet of the discovery to assess and document potential finds in real time.
53. **Tribal Cultural Resources- Consultation.** The City and/or Project Applicant shall, in good faith, consult with the consulting Tribes on the disposition and treatment of any tribal cultural resource encountered during Project grading.
54. **Tribal Cultural Resources- Found Resources.** If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease, and the County Coroner shall be contacted. If the human remains are determined to be Native American in origin by the County Coroner,

the Project Applicant shall immediately notify the city and the NAHC in consultation with the consulting Tribes.

### **Administrative Conditions**

55. **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 Planning Department for placement in the subject file.
56. **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.
57. **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 Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
58. **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.
59. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
60. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
61. **Project Plan Modifications.** Any corrections and/or modifications to the project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
62. **Indemnification.** 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 in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, 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, commissions, 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.