

## CONDITIONS OF APPROVAL

(As modified by the Central Area Planning Commission on October 26, 2021)

### Conditional Use Conditions

1. **Use.** The use of the subject property shall be limited to a mixed-use Hotel and Residential building, with a maximum of 36 guest rooms and 10 residential apartment units, including On-Site Restricted Affordable Units. The project shall maintain a hotel use and a dwelling unit use at all times. The residential apartment units shall not be used as a Transient Occupancy Residential Structure (TORS) use.
2. **On-Site Restricted Affordable Units.** One (1) unit shall be designated for Very Low Income Households and One (1) unit shall be designated for Low Income Households, as defined by the Los Angeles Housing Department (LAHD) and California Government Code Section 65915(c)(2).
3. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to designate one (1) unit for Very Low Income Households and one (1) unit for Low Income Households for rental as determined to be affordable to such households by LAHD for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file.
4. All other use, height, and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
5. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
6. 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 Director of City Planning to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
7. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
8. 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 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.
9. 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 Department of City Planning 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. 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 prior to the final clearance of this condition.

10. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the maintenance, use and operation of:
  - (a). A 2,082 square-foot rooftop bar/lounge area containing 32 seats;
  - (b). Hotel room controlled-access liquor cabinets within a maximum of 36 guest rooms.
11. 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.
12. Hours of operation of the proposed hotel shall be 24 hours a day. Hours of Alcohol Sales shall be limited to 11:00 a.m. to 12:00 a.m., from Sunday to Thursday, and 11:00 a.m. to 1:00 a.m. on Friday and Saturday. No after hour use of the facility, other than for routine clean-up and maintenance, is permitted.
13. No portion of the rooftop bar/lounge shall be deemed to be "private", for the purpose of dispensing alcoholic beverages to selected patrons.
14. Prior to the effectuation of the Conditional Use Permit, approval shall be obtained from the County Health Department to serve alcoholic beverages in conjunction with the proposed establishment. The applicant shall provide a copy of the Health Department approved plans to the Department of City Planning to be maintained in the Case File.
15. 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 21 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.

16. The applicant shall not sublet any portion of the subject premises to outside “promoters” for nightclub activity. The premises shall not be used exclusively for private parties in which the general public is excluded. Private parties hosted by the applicant, in which the general public is excluded from the entire outdoor rooftop bar/lounge patio area are permitted provided that an appropriate one-day permit is submitted for approval to LAPD and ABC.

No live entertainment or amplified music shall be permitted in any of the unenclosed or outdoor areas of the facility.

No amplified music shall be permitted in any outdoor portion of the subject premises. Any amplified or ambient music, sound, vibration or noise emitted that is under the control of the petitioner(s) shall not be audible or otherwise perceivable beyond the subject premises. Any sound, vibration or noise emitted that is under the control of the petitioner which is discernible outside of the subject premises shall constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance), including any loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood or that causes discomfort. The establishment operators shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant or bar facilities located within the hotel facility, or any noise associated with the operation of the establishment, or equipment of the restaurants. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, 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.

17. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
18. No Conditional Use for dancing has been requested or approved herein. Dancing is prohibited. The applicant shall not accommodate, arrange or endorse any dancing features in any fashion.
19. This establishment is restricted from having private events at the location without prior approval from Los Angeles Police Department (LAPD). Any use of the property 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 the same provision and hours of operation unless further restricted LAPD.
20. There shall be no admission or cover charge be required at any time for the entrance into the rooftop bar/lounge.
21. No live entertainment of any kind including, but not limited to, patron dancing, live music, Disc Jockey, jukebox or karaoke nights is permitted.

No pay phone, coin-operated electronic, video or mechanical games, or pool or billiard tables shall be maintained upon the premises at any time.

22. 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.

23. A camera surveillance system shall be maintained at all times to monitor the common areas of the business, high-risk areas, sidewalk areas, and entrances or exits. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
24. Only the front door(s) or entryway(s) shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door, but shall be solid.
25. The applicant shall fully comply with all California State Department of Alcoholic Beverage Control (ABC) regulations governing the sale of alcoholic beverages for the restaurant.
26. **STAR/LEAD Training.** Within the first six months of already selling alcohol, 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 LAPD to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. APCC-2019-4338-SPE-CU-CUB-SPP from the Police Department 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.
27. Prior to the utilization of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products, 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.
28. Security. The applicant shall be required to provide a minimum of three (3) security guards on the premises during the all hours of hotel operation, or at least one Private security guard for every 75 patrons on a daily basis, which is more restrictive, in addition to the requirements delineated below:
  - a. During the hours of 8:00 p.m. and 2:30 a.m., the applicant shall provide a minimum of two (2) security guards in the rooftop restaurant, bar and lounge areas on Thursday, Fridays and Saturdays.
  - b. The additional security employment required per this provision for the ground floor restaurant and bar/lounge areas as well as the rooftop restaurant and bar/lounge area, shall be employed in addition to and in enhancement of the two (2) security guards who are mandated to be employed on the hotel premises during all hours of operation. The security guards fulfilling this requirement 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.

29. Private licensed security guards shall be provided. Security personnel shall wear clothing or uniforms that are easily identifiable. The security guard shall regularly patrol the area under the control of the establishment to prevent loitering or undesirable activity by persons around the premises. The security guard must be certified by the State Department Bureau of Consumer Affairs, Bureau and Security and Investigative Services; and shall comply with the requirements of the California Business and Profession Code Section 7582.26(f). A copy of the security guard(s) credentials and contract shall be provide to the Department of City Planning, **within 30 days of the effective date of this grant.**
30. Staff will monitor the immediate vicinity in order to ensure that no public consumption of alcoholic beverages occurs. Staff will also be responsible to constantly monitor and ensure patrons do not take open alcoholic beverages for on-site and off-site consumption beyond the entrance doors onto the sidewalk, rooftop bar/lounge, or guest rooms.
31. The applicant shall provide to the case file 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.
32. The applicant, owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control.
33. 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 behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
34. Operator and its personnel shall, at all times maintain a policy of not serving obviously intoxicated patrons and taking preventative measure to help avert intoxication-related problems.
35. No employee or agent shall be permitted to solicit or accept any alcoholic, non-alcoholic beverage, 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 licensee 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 customer.
36. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different and a notice shall be placed therein stating California State Law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and no such sales will be made.
37. A "No Alcohol beyond this point" shall be posted at the rooftop bar/lounge exits.
38. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor 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.

39. The owner or the operator shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment.
40. Any background music or other recorded ambient music shall not be audible beyond the area under the control of the applicant. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City inspector 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.
41. The business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived patrons existing and crowd control during entry and exiting.
42. The owner/manager operator shall at all times maintain the abutting public access ways free of obstruction as well as maintaining the premises and adjoining sidewalk free of debris or litter. Trash and recycling bins are locked.
43. 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 outside of the subject facility. The applicant shall be responsible for ensuring persons are dissuaded from loitering on or immediately around the subject premises.
44. 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 entry, customer service desk, and front desk or near the hostess station visible to the public.
45. 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. This log shall be made available to LAPD, law enforcement, and ABC personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning.
46. A copy of the conditions of this letter of determination shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety, the Department of City Planning, or the State Department of ABC.
47. These conditions of approval as well as a copy of any Business permit, insurance information, security and any emergency contact phone numbers shall be maintained in the office at all times and produced immediately upon request of the Police Department, the Department of City Planning, the Department of Building and Safety or other enforcement agency.

48. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. 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 facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
49. Line-queuing arrangements of hotel guests or rooftop bar/lounge patrons on the public expanses that encircle the subject property are strictly prohibited.
50. A security plan for the establishment and any parking area serving the restaurant, shall be approved by the Los Angeles Police Department **prior to the utilization of this grant**. The Applicant shall provide security both inside and outside the premises. Security provisions prepared by a State Licensed security firm, shall be reviewed by the Police Department Vice Unit and their recommendations submitted in writing shall be incorporated into the security plan for on and off-site security. A copy of the approved security plan shall be submitted to the Department of City Planning.
51. **One year after the beginning of operations**, the Applicant shall meet with LAPD to review the effectiveness of the security plan, and may modify any of the measures stated therein as approved by LAPD, Hollywood Vice Unit. A copy of any modified security plan approved by LAPD shall be submitted to the Department of City Planning for inclusion into the case file.
52. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries and trash removal.
53. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC 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.
54. 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 Department of City Planning.
55. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Central Area Planning

Commission, or their designee (Upon their initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-I (Miscellaneous Plan Approval), the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Department of City Planning may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

56. Should there be a change in the ownership and/or the operator of the business, the property owner, 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.
57. 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 Department of City Planning 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 Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
58. The Department of City Planning reserves the right to require that the new owner or operator file a Plan Approval application, 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 Department of City Planning may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes

### **Vermont/Western SNAP Specific Plan Conditions**

59. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped Exhibit "A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, 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.



60. **Parks First.** Prior to the issuance of a Certificate of Occupancy, the applicant shall complete the following:
- a. Make a payment to the Department of Recreation and Parks (RAP) for the required Park Fee pursuant to LAMC Section 17.12. Contact RAP staff by email at [rap.parkfees@lacity.org](mailto:rap.parkfees@lacity.org), by phone at (213) 202-2682 or in person at the public counter at 221 N. Figueroa St., Suite 400 (4<sup>th</sup> Floor), Los Angeles, CA 90012 to arrange for payment.
  - b. Make a payment of \$34,400 to the Parks First Trust Fund for the net increase of eight (8) residential dwelling units. The calculation of a Parks First Trust Fund Fee to be paid pursuant to the Vermont/Western SNAP shall be off-set by the Park Fee paid pursuant to LAMC Section 17.12 as a result of the project.
  - c. The applicant shall provide proof of payment for the Park Fee to the Department of City Planning (DCP), Central Project Planning Division staff to determine the resulting amount of Parks First Trust Fund Fee to be paid. DCP staff shall sign off on the Certificate of Occupancy in the event there are no resulting Parks First Trust Fund Fee to be paid.
  - d. In the event there are remaining Parks First Trust Fund Fee to be paid, the applicant shall make a payment to the Office of the City Administrative Officer (CAO), Parks First Trust Fund. Contact Justin Lawson of the CAO directly at (213) 473-7543 or [justin.lawson@lacity.org](mailto:justin.lawson@lacity.org) to arrange for payment. The applicant shall submit proof of payment for the Parks First Trust Fund Fee to DCP staff, who will then sign off on the Certificate of Occupancy.

All residential units in a project containing units set aside as affordable for Very Low or Low Income Households that are subsidized with public funds and/or Federal or State Tax Credits with affordability covenants of at least 30 years are exempt from the Parks First Trust Fund.

61. **Density.** The project shall be limited to a maximum density of 10 residential dwelling units and 36 guest rooms.
62. **Height.** The project shall be limited to a maximum building height of 60 feet, as measured from grade and defined in LAMC Section 12.03, to the highest point of the parapet or structure. Architectural rooftop features as identified in LAMC Section 12.21.1 B.3 may be erected up to 10 feet above the height limit, if the structures and features are set back a minimum of 10 feet from the roof perimeter and screened from view at street level.
63. **Floor Area Ratio (FAR).** The maximum FAR shall be limited to 1.8:1, or 26,080 square feet. At no point shall the commercial FAR equate to more than 1.5:1 FAR of the overall 1.8:1 FAR allowed.
64. **Open Space.** The project shall provide a minimum of 1,000 square feet of usable open space, of which 250 square feet must be located at grade level or first habitable room level. The common open space shall be open to the sky, must be at least 600 square feet in size, and have a minimum dimension of 20 feet when measured perpendicular from any point on each of the boundaries of the open space area. Balconies shall have a minimum dimension

of six feet. Common open space areas or balconies not meeting the minimum dimension requirements when measured perpendicular from any point on each of the boundaries of the open space area cannot be counted towards the square-footage allocated towards meeting the overall usable open space requirement.

- a. **Roof Decks.** In order for roof deck open space to be counted towards the overall usable open space requirement, the roof decks must be setback 20 feet from any roof perimeter at the highest floor, while maintaining the minimum dimension of 20 feet when measured perpendicular from any point on each of the boundaries of the open space area.
65. **Automobile Parking.** The project shall provide a minimum of 10 residential parking spaces, and two (2) guest parking spaces for a total of 12 parking spaces; no more than 10 residential parking spaces, five (5) guest parking spaces, and 35 commercial parking spaces, for a total of 45 parking spaces per the SNAP.
- a. Any future guest parking spaces must be shared with designated commercial spaces and cannot be in addition to the commercial spaces.
66. **Bicycle Parking.** The project shall provide a minimum of 24 bicycle parking spaces on site, as shown in Exhibit "A."
67. **Setback.** No front, side or rear yard setbacks shall be required.
68. **Streetscape Elements.**
- a. **Street Trees.** Street trees must be installed and maintained prior to issuance of the building permit or suitably guaranteed through a bond and all improvements must be completed prior to the issuance of a Certificate of Occupancy.
    - i. Four (4), 36-inch box shade trees shall be provided in the public right-of-way along the project site, subject to the Bureau of Street Services, Urban Forestry Division requirements.
    - ii. A tree well cover shall be provided for each new and existing tree in the public right-of-way adjacent to the subject property to the satisfaction of the Bureau of Street Services.
    - iii. The applicant shall be responsible for new street tree planting and pay fees for clerical, inspection, and maintenance per the Los Angeles Municipal Code Section 62.176 for each tree.
    - iv. An automatic irrigation system shall be provided.

Note: Contact the Urban Forestry Division, Subdivision staff, at (213) 847-3088 for site inspection prior to any street tree work.
  - b. **Bike Racks.** Two (2) simple black painted bike racks shall be provided in the public right-of-way along the project site. Bike racks shall be installed three feet from the curb edge or per the City of Los Angeles Department of Transportation requirements.

69. **Curb Cuts.** Only one curb cut that is 20 feet in width for every 150 feet of street frontage is allowed when a project takes its access from a Major or Secondary Highway, unless otherwise required by the Departments of Public Works, Transportation, or Building and Safety. Approval by the Departments of Public Works, Transportation, or Building and Safety for a curb cut exceeding 20 feet in width must be provided to the Department of City Planning once received.
70. **Utilities.** All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not currently available, then provisions shall be made by the applicant for future underground service.
71. **Building Stepback.** The project shall be limited to 30 feet in height for the portion of the building located within 15 feet from the front property line along Harold Way, as seen in Exhibit A. The project shall set the second floor back from the first floor frontage by a minimum 10 feet along Western Avenue. No portion of any structure shall be allowed within the Stepback areas.
72. **Transparent Elements.** Transparent building elements such as windows and doors shall occupy at least 50% of the exterior surface of the ground floor facades of the front and side elevations.
  - a. At least 689 square feet of the ground floor façade shall be constructed with transparent building materials along Western Avenue, consistent with Exhibit A, Sheet A0.5.
  - b. At least 355 square feet of the ground floor façade shall be constructed with transparent building materials along Harold Way, consistent with Exhibit A, Sheet A0.5.
73. **Facade Relief and Elevations.** The southern and eastern elevations shall provide a break in plane for every 20 feet horizontally and every 30 feet vertically created by an articulation or architecture detail.
74. **Surface Mechanical Equipment.** All surface or ground-mounted mechanical equipment, including transformers, terminal boxes, pull boxes, air conditioner condensers, gas meters and electric meter cabinets, shall be screened from public view and treated to match the materials and colors of the building which they serve.
75. **Rooflines.** All rooflines in excess of 40 feet shall be broken up through articulation or architecture detail. Color change shall not be considered an appropriate means of break in roofline.
  - a. The eastern and southern façade rooflines shall be revised to comply with the roofline provision.
76. **Rooftop Appurtenances.** All rooftop equipment and building appurtenances shall be screened from any street, public right-of-way, or adjacent property with enclosures or parapet walls constructed of materials complimentary to the materials and design of the main structure.

77. **Trash, Service Equipment and Satellite Dishes.** Trash, service equipment and satellite dishes, including transformer areas, shall be located away from streets and enclosed or screened by landscaping, fencing or other architectural means. The trash area shall be enclosed by a minimum six-foot high decorative masonry wall. Each trash enclosure shall have a separate area for recyclables. Any transformer area within the front yard shall be enclosed or screened.
78. **Design of Entrance.** The applicant shall submit detailed elevations of the ground floor illustrating that all pedestrian entrances, including entries to commercial and retail stores, residential lobby area, and the pedestrian throughways, are accented with architectural elements such as columns, overhanging roofs, or awnings. The location of Entrances shall be in the center of the façade or symmetrically spaced if there are more than one.
79. **Landscape Plan.** The applicant shall submit a final landscape plan prepared by a licensed landscape architect showing enhanced paving such as stamped concrete, permeable paved surfaces, tile and/or brick within paved areas in front, side and rear yards.
80. **Irrigation Plan.** A final irrigation plan shall be prepared and included.
81. **On-Site Lighting.** The applicant shall install on-site lighting along all vehicular and pedestrian access ways. Installed lighting shall provide  $\frac{3}{4}$ -foot-candle of flood lighting intensity as measured from the ground. Lighting must also be shielded from projecting light higher than 15 feet above ground level and away from adjacent property windows. The maximum height of any installed lighting fixture shall not exceed 14 feet in height.
82. **Security Devices.** If at any time during the life of the project the property owner wishes to install security devices such as window grilles and/or gates, such security devices shall be designed so as to be fully concealed from public view. The applicant shall be required to acquire approval from the Department of City Planning, Central Project Planning Division for the installation of any security devices on the exterior or the structure through a building permit clearance sign off.
83. **Noise.** Any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley shall be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition.
84. **Future Signage.** All future signs shall be reviewed by Project Planning staff for compliance with the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan and Design Guidelines. Filing for a Project Permit shall not be necessary unless a Project Permit Adjustment, Exception, or Amendment is required. Any pole, roof or off-site sign, any sign containing flashing, mechanical or strobe lights (Digital Signs) are prohibited. Canned/Cabinet signs should not be used.

### **Environmental Conditions**

85. **Implementation.** The Mitigation Monitoring Program (MMP), attached as Exhibit D and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been

implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

86. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two businesses days if the applicant does not correct the non-compliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

87. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The project shall be in substantial conformance with the project design features and mitigation measures in the MMP stamped Exhibit D attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with the project design features and mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the project design features and/or the mitigation measures, the Director of Planning shall provide a written justification supported by substantial evidence as to why the project design feature and/or the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the project is not in substantial conformance to the adopted project design features, mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Zone Change unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the project or the non-environmental conditions of approval.

88. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground

disturbance activities<sup>1</sup>, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 30 days, to conduct a site visit and make recommendations to the Project permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public

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<sup>1</sup> Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity

Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

89. **Human Remains Inadvertent Discovery.** In the event that human skeletal remains are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5 which requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event human skeletal remains are discovered during construction or during any ground disturbance activities, the following procedures shall be followed:
- Stop immediately and contact the County Coroner:  
1104 N. Mission Road Los Angeles, CA 90033  
323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or  
323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
  - If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).
  - The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
  - The most likely descendent has 48 hours to make recommendations to the Applicant, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
  - If the Applicant does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.
90. **Archaeological Resources Inadvertent Discovery.** In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. At which time the applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.
91. **Paleontological Resources Inadvertent Discovery.** In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures

recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

### **Administrative Conditions of Approval**

92. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning. A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
93. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
94. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
95. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the Subject Property shall be complied with, except where granted conditions differ herein.
96. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
97. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
98. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
99. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs



or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center at the time of Condition Clearance for attachment to the subject case file.

**100. Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) 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.
- (ii) 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
- (iii) 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 (ii).
- (iii) 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 (ii).
- (v) 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.

**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 grant, the Central Area 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 Central Area Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution. The Central Area 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 Central Area 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 Central Area Planning Commission.

- 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 “Happy Hour” type of reduced-price alcoholic beverage shall be allowed at any time when sold individually..
- There shall not be a requirement to purchase a minimum number of drinks.
- There shall be no “fortified” wine greater than 16% alcohol content served.
- The applicant shall ensure no service, sales or possession and consumption of an alcoholic beverage on any sidewalk area, parking lot area, or on any adjacent property under the control of the applicant.
- Any alcohol sold or dispensed for consideration shall only be for consumption on the premises, within the subject rooftop bar/lounge and hotel guest rooms.

- No person under 21 years of age shall sell or deliver alcoholic beverages.
- No portable bar(s) shall be permitted at the location. A cashier shall conduct all alcoholic beverages service.
- No buckets of beer, no pitchers of beer, and no “all you can drink” sales and consumption.
- No employee, while working, shall solicit or accept any alcoholic, non-alcoholic beverage, monetary compensation, or any other thing of value from any customer for the purpose of sitting with or otherwise spending time with customers while on the premises.