

CONDITONS OF APPROVAL

1. **Apartment Residential Density.** Not more than twenty (20) Residential apartment units may be constructed on the R4-2 zoned portions of the site, Lots Of FR 45 and FR 46, including the On-Site Restricted Affordable Units, as part of the proposed project and as identified in Exhibit A.
2. **On-site Restricted Affordable Units.** Four (4) units shall be reserved for Extremely Low-Income Household as defined by the California Government Code Section 65915 and by the Los Angeles Housing Department (LAHD). In the event the SB 8 Replacement Unit Determination requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
3. **SB 8 Replacement Units (California Government Code Section 66300 et seq.).** The project shall comply with the Replacement Unit Determination (RUD) letter, dated July 3, 2023, to the satisfaction of LAHD. The most restrictive affordability levels shall be followed in the covenant. In the event the On-site Restricted Affordable Units condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.
4. **Housing Requirements.** Prior to the issuance of a building permit, the owner shall execute a covenant to the satisfaction of LAHD to make (4) units available to Extremely Low Income Households or equal to 20 percent of the project's total proposed residential density, as determined to be affordable to such households by LAHD for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22 A.25, to the satisfaction of LAHD, and in consideration of the project's Replacement Unit Determination. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall submit a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD.
5. **Rent Stabilization Ordinance (RSO).** Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from LAHD regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the Rent Stabilization Ordinance with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the Rent Stabilization Ordinance, the applicant will need to either replace all withdrawn RSO Units with affordable units on a one-for-one basis or provide at least 20 percent of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by LAHD shall be provided to City Planning for inclusion in the case file.
6. **Floor Area.** The Project shall be limited to a maximum floor area of 66,915 square feet and follows:
 - a. **Hotel Floor Area.** The hotel and restaurant use shall be limited to the RAS4-1 zoned area and shall be limited to 38,601 square feet. The total floor area contained

in all buildings on a lot shall not exceed three times the buildable area, (3:1 FAR) of the lots with an RAS4-1 Zone designation.

- b. **Restaurant.** Within the hotel, the proposed restaurant floor area shall be limited to total of 5,385 square feet including, including 2,700 square feet of ground level indoor floor area, 1,250 square feet of outdoor covered patio dining area on the ground level, and 1,435 square feet of indoor dining area on the hotel 7th floor roof level.
 - c. **Residential Floor Area.** The residential area within Apartment Units in the R4-2 Zone shall be limited to 28,314 square feet in total floor area.
7. **Height.** The total height of the buildings shall not exceed 92 feet and six (6) inches.
8. **Rear Yard Setback (R4 zoned lot).** The rear yard setback along the project site's southerly property line shall be a limited to minimum of nine (9) feet along the R4 zoned portion of the project site.
9. **Open Space.** A minimum of 2,629 square feet of usable open space shall be provided for the Apartment Dwelling Units.
10. **Hotel Guest Rooms.** Not more than 60 hotel guest rooms may be constructed on the property.
11. **Driveway.** The site design shall be limited to two driveways including one along 8th Street and one along Mariposa Avenue.
12. **Hotel Parking.** A minimum of 45 vehicular parking spaces shall be provided for the hotel use.
13. **Residential and Restaurant Parking.** The project shall be permitted to provide a minimum of zero parking spaces for the residential and restaurant uses, pursuant to California Government Code Section 65863.2 (AB 2097). A total of 77 parking spaces are provided on site, including the required hotel parking spaces.
14. **Increases Noise Levels. (Parking Structure Ramps)**
 - a. Concrete, not metal shall be used for construction of parking ramps.
 - b. The interior ramps shall be textured to prevent tire squeal at turning areas.
15. **Unbundled Parking.** for Dwelling Unit. Parking for residential uses shall be unbundled and leased separately excluding the dwelling units, set aside for Extremely Low Households.
16. **Residential and Restaurant Automobile Parking.** The project qualifies for AB 2097, and no minimum parking is required for the restaurant and apartment units.
17. **Hotel Parking.** A minimum of 45 parking spaces shall be designated for the hotel use.
18. **Bicycle parking.** Bicycle spaces shall be provided pursuant to LAMC Section 12.21 A.4 and 16.

19. **Street Trees.** Street trees shall be provided to the satisfaction of the Urban Forestry Division. Street trees may be used to satisfy on-site tree requirements pursuant to LAMC Section 12.21 G.3 (Chapter 1, Open Space Requirement for Six or More Residential Units).
20. **Building Exterior Colors.** The exterior façade colors shall primarily consist of lighter colors, such as ivory and white, that are compatible with the neighboring residential buildings located along Mariposa Avenue. Other colors may be used to accentuate the building.
21. **Ground level Pedestrian Entrance.** Pedestrian entrances to the residential units shall be accessible directly from Mariposa Avenue. Pedestrian entrances to the hotel and restaurant shall be accessible directly from 8th Street.
22. **No Blank Wall.** A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site.
23. **Building Articulation.** A consistent use of architectural and building materials shall be applied throughout all exterior facades of the buildings to avoid creating a "backside" to the site.
24. **Short Term Bicycle Parking.** The required short-term bicycle parking spaces shall be provided along 8th Street.
25. **Roof Equipment.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from the public right-of-way. All screening shall be setback at least five feet from the edge of the building.
26. **Signage.** On-site signs shall be limited to the maximum allowable under the Municipal Code. Multiple temporary signs in store windows and along building walls are not permitted.
27. **Flood Hazard.** The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172,081 (effective 7/3/98)
28. **Electric Vehicle** 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.
29. **Parking Structure Design.** Parking structures or that portion of a building or structure that is used for parking at grade or above grade shall be designed to minimize vehicle headlight and parking structure interior lighting impacts ("spillover") on adjacent streets and properties.
30. **Posting of Construction Activities.** A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.
31. **Solar Ready.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

32. Construction Generators.

The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.

33. Utilities. All utilities shall be placed underground within the subterranean parking levels, indoors or on the roof behind parapets.**34. Lighting.** 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).**35. Lighting Design.** Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.**36. Loading.**

- a. Commercial loading/trash pick-up/delivery will be located in the first level of the subterranean parking structure, as identified in Exhibit A.
- b. Hours of operation for loading shall be limited to Monday thru Friday, 7:00 a.m.-8:00 p.m., and Saturday and Sunday from 10 a.m.-4:00 p.m.

39. Construction-Related Parking. Off-street parking shall be provided for all construction-related parking generated to employees of the proposed project. No employees or subcontractors shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owner's base of operations.**40. Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering construction materials or construction-machinery shall be limited to the hours beginning at 7:00 a.m. and ending at 4:00 p.m., Monday through Friday. No truck deliveries for construction shall occur outside of that time period. No construction truck staging related to such deliveries to the project site shall occur on any adjacent streets.**41. Maintenance.** The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.

42. A Construction Traffic Management Plan will be developed by the contractor and approved by the City of Los Angeles to alleviate construction period impacts, which may include but is not limited to the following measures:

- i. Provide off-site truck staging in a legal area furnished by the construction truck contractor. Anticipated truck access to the project site will be off Mariposa Avenue and 8th Street.
 - ii. Schedule deliveries and pick-ups of construction materials during non-peak travel periods to the extent possible and coordinate to reduce the potential of trucks waiting to load or unload for protracted periods.
 - iii. As parking lane and/or sidewalk closures are anticipated along 8th Street, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.
 - iv. Establish requirements for loading/unloading and storage of materials on the project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses and residences.
 - v. Ensure that access will remain unobstructed for land uses in proximity to the project site during project construction.
 - vi. Coordinate with the City and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses and residences.
- b. A Construction Worker Parking Plan will also be developed by the contractor and approved by the City of Los Angeles to ensure that the parking location requirements for construction workers will be strictly enforced. These could include but are not limited to the following measures:
- i. During construction activities when construction worker parking cannot be accommodated on the project site, the plan shall identify alternate parking location(s) for construction workers and the method of transportation to and from the project site (if beyond walking distance) for approval by the City 30 days prior to commencement of construction.
 - ii. Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park and provide clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on residential streets.

43. Transportation/Traffic

- a. The developer shall maintain ongoing contact with administrators of RFK Community Schools. The administrators shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from LAUSD's

Transportation Branch (323) 342-1400 and guarantee that safe and convenient pedestrian and bus routes to the school are maintained.

- b. The developer shall install appropriate construction related traffic signs around the project site to ensure pedestrian and vehicle safety.
 - c. The Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding) from workspace and vehicular traffic, and overhead protection, due to sidewalk closure or blockage, at all times.
 - d. Temporary pedestrian facilities shall be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
 - e. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
 - f. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction and/or construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.
44. **Coordination with LAUSD.** Prior to final signoff, the applicant shall communicate with the elementary school administrators to share the construction schedule, establish points of contact, and identify measures to be implemented to avoid disruption of school activities including but not limited to pick-up/drop-off by vehicles and foot, use of the school parking lot, outdoor breaks and recreation, noise beyond codified limits, and any construction activities that have potential to create airborne particulates from grading. A copy of this communication shall be submitted to the case file.
45. The mechanical room in the basement of the project building housing the emergency generators shall be designed with sufficient noise attenuation features (e.g., silencers, generator enclosure, insulation, etc.).
46. The following temporary design features shall be employed during project construction to reduced short-term noise levels of nearby noise sensitive residential receptors.
- a. An 8-foot high temporary barrier with a minimum sound transmission (STC) rating of 26, shall be erected along all sides of the project site boundary. This barrier shall be constructed in one of the following ways:
 - i. From acoustical blankets hung over or from a supporting frame. The blankets shall be firmly secured to the framework. The blankets shall be overlapped by at least 4 inches at seams and taped and/or closed with hook-and-loop fasteners (i.e., Velcore) so that no gaps exist. The largest blankets available shall be used to minimize the number of seams. The blankets shall be draped to the ground to eliminate any gaps at the base of the barrier.

- ii. From commercially available acoustical panels lined with sound-absorbing material (the sound-absorptive faces of the panels should face the construction equipment).
 - iii. Common construction materials such as plywood provided that the barrier is designed with overlapping material of the seams to assure that no gaps exist between the panels.
 - b. On-site vehicle speeds shall be limited to 15 miles per hour or less (except in cases of emergency).
 - c. Construction-related truck traffic shall be routed away from noise-sensitive areas to the extent feasible.
 - d. All construction equipment shall be properly maintained per manufacturer's specifications and fitted with the best available noise suppression devices (e.g., improved mufflers, equipment redesigned, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds silencers, wraps). All intake and exhaust ports on power equipment shall be muffled or shielded.
 - e. Pneumatic tools used at the site shall be equipped with an exhaust muffler on the compressed air exhaust to minimize noise levels.
 - f. Stationary noise sources shall be located as far from adjacent sensitive receptors as possible and shall be muffled and enclosed within temporary sheds or insulated barriers.
 - g. Back-up beepers for all construction equipment and vehicles shall be broadband sound alarms or adjusted to the lowest noise levels possible, provided that Occupations Safety and Health Administration (OSHA) and California OSHA safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters will be employed.
47. To ensure adequate vibration annoyance protection, only small bulldozers shall be permitted to operate within 50 feet of the nearest project structures.

CONDITIONAL USE PERMIT (ALCOHOL CONDITIONS)

1. Authorized herein is Conditional Use to permit the sale and dispensing of a full line of alcohol beverages for on-site consumption, in conjunction with the maintenance, use and operation of 60 guestroom hotels operating 24 hours a day.
 - a. A 3,950 square-foot ground floor restaurant containing 120 indoor seats, a 1,250 square-foot outdoor patio 60 outdoor seats at the ground level and a 1,435 square foot restaurant on the roof level with 50 indoor dining seats.

- b. The individual hotel guestrooms may have accessory hotel uses including in-room mini-bars 24 hours per day.
 - c. The operating hours shall be posted at the entrances of the subject premises, at the outdoor patios, the courtyard and on the menu.
 - d. No glass or chinaware shall be used within the gated and fenced poolside for the purposes of food and beverage services.
 - e. There shall be no after-hours use of the restaurant/bar, other than for routine cleanup and maintenance and activities which are issued film permits by the City.
2. **Hours of Operations.** Hours of operations for proposed ground level restaurant shall be limited to between 10:00 am to 2:00 a.m., daily.
3. **Hours of Operation (Roof Level Dining).** Hours of operation for the 7th floor roof level dining area including in the 2nd level and rooftop pool and lounge areas shall be limited between 10:00 am to 10:00 pm.
4. The restaurant component of the hotel 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. The kitchen shall be maintained as defined by Municipal Code Section 91.0403. 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.
5. The restaurant/bar management shall not require an admission or cover charge, unless the restricted access is only open to hotel guests and the general public is not allowed admission. Any and all advertisements for admissions or cover charges are likewise prohibited.
6. **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.
7. 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.

8. **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.
9. There shall be no speakers or amplified sound permitted in the outdoor dining area.
10. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility that restrict, limit or obstruct the clear observation of the occupants.
11. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
12. No live entertainment of any kind including, but not limited to, patron dancing live music, Disc Jockey, jukebox or karaoke nights. The applicant shall not organize any live entertainment at the subject premises.
13. No conditional use for public dancing has been requested or approved herein. Dancing is prohibited.
14. The management 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 management in which the general public is excluded from the entire first floor restaurant, bar and outdoor dining areas are permitted provided that an appropriate one-day permit is submitted for approval to the Los Angeles Police Department (LAPD) and California State Alcoholic Beverages Control (ABC).
15. Any special event taking place on site shall be process through the Temporary Special Event Permit at the Department of Building and Safety.
16. The applicant shall fully comply with all ABC regulations governing the sale of alcoholic beverages for the restaurant.
17. 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.
18. 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.
19. Notwithstanding approved Exhibit "A" and the Conditions above, this grant recognizes that there may be changes resulting from identified tenants, which may result in smaller or larger restaurants, different locations, and/or a reduced number of restaurants than those originally proposed and identified in Exhibit "A". Such outcome is permitted provided that the other conditions noted herein, specifically those related to the combined maximum interior floor areas, maximum interior and exterior seating

numbers, maximum (total) number of establishments authorized under this grant, and the maximum number of establishments approved for each type of grant in the Conditions above are not exceeded. The sale and dispensing of beer and wine may be provided in lieu of a full line of alcoholic beverages at any of the establishments approved for a full line of alcoholic beverages (but not the reverse), provided that the maximum (total) number of establishments authorized for alcoholic beverages is not exceeded, and subject to all other conditions of this grant.

20. 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 Zoning Administrator to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
21. The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
22. 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.
23. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.
24. 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.
25. 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.
26. After hour use shall be prohibited, except routine clean-up. This prohibition includes but is not limited to private events, promotional events, and special events; but it excludes any activities which are issued film permits by the City.
27. There shall be no Adult Entertainment of any type pursuant to L.A.M.C. Section 12.70, at or within any portion of the subject property.
28. No employee or agent of any of the individual retail sites of the commercial building shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the applicant(s) or business operators provide, permit, or make available, either gratuitously or for compensation, persons who act as escorts, companions, or guests of and for the customer.

29. 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 Development Services Center for placement in the case file.
30. All exterior portions of the property shall be adequately illuminated so as to make discernible the faces and clothing of anyone at night. Lighting shall be directed onto the site and no floodlighting shall be located so as to be seen directly by persons on adjacent properties. Lighting shall be shielded from residential uses.
31. Exterior windows and glass doors shall be maintained substantially free of signs and other materials from the ground to at least six feet in height above the ground so as to permit surveillance into the establishment by Police and private security.
32. The property including any adjacent area under the control of the operator and the sidewalk shall be maintained in an attractive condition and shall be kept free of obstruction, trash, litter and debris at all times.
33. 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. Smoking tobacco or any non-tobacco substance including marijuana or electronic or vaping smoking devices, is prohibited in or within 10 feet of outdoor dining areas in accordance with LAMC 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 consumption or the dispensing for consumption of alcoholic or non-alcoholic beverages. Smoking within rooms with closed doors is permitted if allowed by the management.
34. 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.
35. All guests and operators shall comply with smoking regulations set forth by the State of California and the City of Los Angeles.
36. Any recorded or background non-live music, sound or noise which is under the control of the applicant shall not violate Sections 112.06 or 116.01 of the LAMC, 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.

37. Background ambient non-live music is permitted in the outdoor portions of the subject property provided that it is not audible beyond the subject premises and shall not exceed the levels prohibited by the City's noise regulations (Section 116.01 of the LAMC. Music shall only be permitted on the outdoor portions of the site from 8:00 a.m. to 10:00 p.m. daily.
38. There shall be continued placement of legible signs or placards on dining tables throughout the hotel and its open areas alerting patrons entering and exiting the restaurant and outdoor facilities to keep noise to a minimum and to be respectful of the property's surrounding residential neighbors.
39. The property owners and the hotel operator shall coordinate with the local division of the LAPD regarding appropriate monitoring of community complaints concerning activities associated with the subject facility, and also designate a community liaison person who shall meet with representatives of the neighbors and or neighborhood association to resolve any neighborhood complaints regarding the subject facility at their requests.
40. 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:

Entry, visible to pedestrians

Customer service desk, front desk or near the hostess station

41. 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 law enforcement 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.
42. Loitering is prohibited within the area under the control of the applicant. The hotel management shall be responsible for ensuring that persons are dissuaded from loitering on or immediately around the subject premises especially adjacent to the patio/decks. Any outdoor areas as well as areas adjacent to the subject site shall be routinely patrolled by employees of the hotel or security personnel for the purpose of monitoring loitering. Any problems associated with the hotel or restaurant operation shall immediately be reported to the hotel manager who shall correct/remedy the problems.
43. There shall be no deliveries, or similar business operations conducted prior to 7 a.m. or after 7 p.m., Monday through Saturday, and prior to 10 a.m. or after 4 p.m. Sunday, or holidays.
44. Trash disposal of restaurant waste into trash bins, including the disposal of bottles, shall not occur prior to 7 a.m. or after 10 p.m. daily. All exterior trash bins shall be closed and locked at all times; the exterior trash unit shall be landscaped appropriately.

45. There shall be no trash pickup conducted prior to 7 a.m. or after 5 p.m., Monday through Friday, or prior to 10 a.m. or after 4 p.m. on Saturday; no trash pickup shall be permitted on Sundays or holidays.
46. 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 Zoning Administrator (Upon his/her 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 Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
47. The Zoning Administrator 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 Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
48. **STAR/LEAD/RBS 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 or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
49. Valet parking shall be provided to restaurant patrons. The availability of said valet 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.

50. A single valet operator shall be on-site who shall be responsible for enforcement of any conditions of this action regarding valet parking.
51. If valet parking is provided, 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.
52. If valet parking is provided, 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 upon execution of the new contract.
53. If valet parking is provided, 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.
54. Passenger loading shall be limited to the existing passenger loading spaces along 8th Street which shall also apply to any valet service. No other street parking shall be used by the valet service for passenger loading at any time.
55. Valet service shall not utilize any local streets for the parking of vehicles at any time.
56. The applicant shall prepare and implement an incentive program to encourage employees to walk, bike, use public transit or carpool to work. Said program may include but not be limited to subsidies for public transit and installation of bike racks. A copy of the program shall be submitted to the Development Services Center for inclusion in the file.
57. 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 commercial streets (i.e., 8th Street). Further, patrons shall be notified that parking unlawfully within the Permit Parking District will be subject to being ticketed and their vehicles may be towed.
58. All deliveries shall be made in the rear parking area. No loading or unloading of deliveries shall be permitted along Mariposa Avenue.
59. Trash pick-up, compacting, loading and unloading and receiving activities shall be limited to 7 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 4 p.m. on Saturday.

No deliveries or trash pick-up shall occur on Sunday. Deliveries and trash pick-up shall be coordinated with vendors and trash companies so that these activities are not conducted within one-hour of the start time of (RFK School Campus or within one hour of the end time of regular school hours.

60. 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.
61. 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.
62. **Additional Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Department of City Planning to impose additional corrective conditions, if, it is determined by the Department of City Planning that such conditions are proven necessary for the protection of person in the neighborhood or occupants of adjacent property.
63. **Lease Agreements.** All establishments applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all vendors of alcoholic beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.
64. **Building Plans.** A copy of this grant and all Conditions and/or any subsequent appeal of this grant and resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
65. **Ownership/Operator Change.** Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the BESt (Beverage and Entertainment Streamlined Program) in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the BESt (Beverage and Entertainment Streamlined Program) within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.
66. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of

the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.

67. **Covenant and Agreement.** Within 30 days of the effective date 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 or the BESt (Beverage and Entertainment Streamlined Program) 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 or BESt (Beverage and Entertainment Streamlined Program) for inclusion in the case file.

Administrative Conditions

68. **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 staff "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
69. **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.
70. **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.
71. **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.
72. **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.

73. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
74. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

75. **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).
- (iv) 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. Action 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 City Planning Commission has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the City Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution. The City Planning Commission has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the City Planning Commission acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the City Planning Commission.

- No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.

- 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.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.