

## CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on September 12, 2024)

Pursuant to Sections 12.24 W.1, 12.24 W.18, and 16.05 of the LAMC, the following conditions are hereby imposed upon the use of the subject property:

### **Conditional Use Conditions**

1. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission or its designee to impose additional corrective Conditions, if, in their opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
2. **Use.** Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption only in conjunction with a proposed hotel expansion. The grant shall be subject to the following limitations:
  - a. Alcoholic beverage service shall be permitted within the following areas of the hotel:
    - Minibars in the 395 new guest rooms
    - In-room dining (room service) in the 395 new guest rooms
    - A 1,473 square-foot restaurant/bar on the Basement Level of the new building
    - A 6,472 square-foot restaurant on Level 3 of the new building
    - A 1,590 square-foot lobby lounge/bar on Level 4 of the new building
    - A 7,232 square-foot restaurant on Level 18 of the new building
    - A 3,400 square-foot meeting room addition to the existing ancillary building
    - A 8,630 square-foot spa on Level 2 of the new building
  - b. Seating shall be limited to the following:
    - A maximum of 75 indoor seats within the 1,473 square-foot restaurant on the Basement level of the new building
    - A maximum of 180 indoor seats within the 6,472 square-foot restaurant on Level 3 of the new building
    - A maximum of 75 indoor seats within the 1,590 square-foot lobby lounge/bar on Level 4 of the new building
    - A maximum of 100 indoor seats and 180 outdoor seats within the 7,232 square-foot restaurant on Level 18 of the new building
  - c. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
3. **Hours of Operation:**
  - a. Hours of operation for alcoholic beverage service shall be permitted within the following areas of the hotel:
    - 24 hours daily for the 395 new guest rooms (in-room minibars and in-room dining [room service])
    - From 6:00 a.m. to 2:00 a.m. daily for a 1,473 square-foot restaurant/bar on the Basement Level of the new building
    - From 6:00 a.m. to 2:00 a.m. daily for a 6,472 square-foot restaurant on Level 3 of

- the new building
  - From 6:00 a.m. to 2:00 a.m. daily for a 1,590 square-foot lobby lounge/bar on Level 4 of the new building
  - From 6:00 a.m. to 2:00 a.m. daily for a 7,232 square-foot restaurant on Level 18 of the new building
  - 24 hours daily in conjunction with use of the meeting room addition
  - From 6:00 a.m. to 11:00 p.m. daily for a 8,630 square-foot spa on Level 2 of the new building
- b. No after-hours use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
4. **Music / Live Entertainment.** Music and live entertainment are permitted within the hotel and ancillary uses and subject to the following limitations:
- a. Live entertainment is limited to ensembles of a maximum of three people.
  - b. DJs and amplified music are permitted. Amplifiers are limited to no more than one amplifier in any individual area (e.g. each restaurant, lounge, meeting room, etc).
  - c. There shall be no topless entertainment anywhere on the premises.
5. **Patron Dancing:**
- a. Dancing is permitted within the following areas of the hotel:
    - Within the 3,400 square-foot meeting room addition
    - An approximately 200 square-foot area within the 6,472 square-foot restaurant on Level 3 of the new building
    - An approximately 200 square-foot area adjacent to the lobby lounge/bar on Level 4 of the new building
    - An approximately 200 square-foot area within the 7,232 square-foot restaurant on Level 18 of the new building
6. **Security:**
- a. 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.
  - b. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
  - c. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
  - d. 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.

- e. 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 or truancy occur.
7. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
8. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
9. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation for each tenancy. The phone number and email address shall be posted at the hotel lobby.

Complaints shall be responded to within 24-hours. Each tenancy shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
10. **STAR/LEAD/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.
11. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the project site.
12. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
13. 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.
14. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within ten feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B.2.c. This prohibition applies to all outdoor areas of the project site if the outdoor area is used in conjunction with food service and/or the consumption, dispensing, or sale of either alcoholic or non-alcoholic beverages.

15. The applicant(s) and all tenancies shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant/any tenancy shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
16. **Designated Driver Program.** Prior to the utilization of this grant, the operator of the hotel, and each operator of each restaurant/bar/spa establishment if applicable, 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, at each tenancy. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas of each tenancy. 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.
17. Any music, sound or noise 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) and shall not be audible beyond the subject premises. 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.
18. **Private Events.** Any use of any tenancy 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.
19. The applicant shall not sublet any portion of the premises to outside "promoters" for nightclub activity.
20. **MVIP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01 E.3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs shall be paid to the City.
  - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
  - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
21. At any time during the period of validity of this grant (authorizing the sale of alcoholic beverages), 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 City Planning Commission or their designee reserves the right to require that the owner or operator file a Plan Approval application, in association with the appropriate fees, and a 500-foot notification radius. 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 City Planning Commission or their designee may modify, add, or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

### **Site Plan Review Conditions**

22. **Site Development.** The use and development of the property shall be in substantial conformance with the plans submitted with the application and marked Exhibit A, dated September 12, 2024 (hereafter referred to as Exhibit A) and attached to the subject case file. No change to the plans (except as conditioned) will be made without prior review by the Department of City Planning, Major Projects Section 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 LAMC or the Project conditions.
23. **Design.**
  - a. All building façades shall utilize a minimum of two different materials. Windows, doors, balcony railings, decorative features (such as light fixtures, planters, etc.), and perimeter walls (e.g. walls along a street that are not a part of the building) are excluded from meeting this requirement.
  - b. The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.
  - c. Glass used in building façades shall be non-reflective or treated with a non-reflective coating in order to minimize glare from reflected sunlight.
24. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
  - a. 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.
  - b. All pedestrian walkways, storefront entrances, and vehicular accessways shall be illuminated with lighting fixtures.
  - c. Light fixtures located on the Project Site (and not in the public right-of-way) 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.
25. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.

26. **Landscaping.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval. The landscape plan shall be in substantial conformance with the landscape plan stamped Exhibit A, dated September 12, 2024. Minor deviations from the requirements provided below may be permitted by the Department of City Planning to permit the existing landscaping conditions provided that the plantings are well established and in good condition.
27. **Required Trees.** As conditioned herein, a final submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit A, dated September 12, 2024. There shall be a minimum of 115 24-inch box, or larger, trees onsite pursuant to LAMC Section 12.21 G.2.
28. **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. In-lieu fees pursuant to LAMC Section 62.177 shall be paid if placement of required trees in the public right-of-way is proven to be infeasible due to City-determined physical constraints.
29. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
  - a. Minimum depth for trees shall be 42 inches.
  - b. Minimum depth for shrubs shall be 30 inches.
  - c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
  - d. Minimum depth for an extensive green roof shall be three inches.

The minimum amount of soil volume for tree wells shall be based on the size of the tree at maturity as follows:

  - a. 220 cubic feet for a tree 15 - 19 feet tall at maturity.
  - b. 400 cubic feet for a tree 20 - 24 feet tall at maturity.
  - c. 620 cubic feet for a medium tree or 25 - 29 feet tall at maturity.
  - d. 900 cubic feet for a large tree or 30 - 34 feet tall at maturity.
30. **Tree Maintenance.** New trees planted within the public right-of-way shall be spaced not more than an average of 30 feet on center, unless otherwise permitted by the Urban Forestry Division, Bureau of Public Works.
31. **Graffiti.** 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.
32. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.
33. **Mechanical Equipment / Utilities.** All mechanical equipment and utilities shall be fully screened from view of any abutting properties and the public right-of-way.

34. **Solar Energy Infrastructure.** 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.
35. **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.
36. **Construction Generators.** The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. The Project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.
37. **Construction Traffic Management Plan.** The Applicant shall prepare a Construction Traffic Management Plan which will include a construction work site traffic control plan, DOT recommends that the construction work site traffic control plan be submitted to LADOT's Citywide Temporary Traffic Control Section or Permit Plan Review Section for review and approval prior to the start of any construction work.

### **Environmental Conditions**

38. **Implementation.** The Mitigation Monitoring Program (MMP), attached as "Exhibit B" 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.
39. **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 PDFs and MMs 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 PDFs and MMs 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 MMs and PDFs 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.

40. **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 PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

41. **Inadvertent Discovery of Archaeological Resources.** 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. 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 qualified archaeologist and approved by the Department of City Planning must be followed unless avoidance is determined to be unnecessary or infeasible by the qualified archaeologist. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

#### **Administrative Conditions**

42. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
43. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
44. **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.
45. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.



46. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
47. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
48. **Project Plan Modifications.** Any corrections and/or modifications to the project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in Site Plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
49. **Indemnification and Reimbursement of Litigation Costs**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include 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.