

CONDITIONS OF APPROVAL

As modified by the West Los Angeles Area Planning Commission on February 3, 2021.

Entitlement Conditions

1. 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. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. 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.
3. 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 Department of City Planning to impose additional corrective Conditions, if such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. **Dual Permit Jurisdiction Area.** The project is located within the Dual Permit Jurisdiction area of the California Coastal Zone. The applicant shall file an application for a second (or "dual") coastal development permit with the Coastal Commission. Prior to the issuance of any permits, the Applicant shall submit proof of a valid ("dual") permit issued by the Coastal Commission.
5. **Floor Area Ratio (FAR).** The subject site is limited to a maximum FAR of 0.5:1.
6. **Height.** New structures shall not exceed a maximum height of 30 feet (flat roof) and 35 feet (varied roofline, slope greater than 2:12). As shown in Exhibit A, the proposed structure is 25 feet 8 inches.
7. **Roof Structures.** Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the height limit by a maximum of five feet.
8. **Service Floor Area.** As shown in Exhibit A, 930 square feet of new outdoor Service Floor area is permitted. The existing restaurant will maintain all existing dining areas.
9. **Specific Plan Exception – Parking.**
 - a. A total of 19 vehicle parking spaces shall be provided onsite: three new vehicle parking spaces are required for the proposed expansion and 16 existing parking spaces shall be maintained. Any existing parking spaces shall be maintained to the satisfaction of the Department of Building and Safety.
 - b. A minimum of 40 bicycle parking spaces shall be provided onsite.
 - c. An additional 16 vehicle parking spaces shall be provided offsite at 250 Marine Street, or any other location. The offsite parking spaces shall be secured by lease and maintained for the life of the project; the spaces shall be available for use during weekends, holidays, and after 5:30 p.m. on weeknights.

10. **Encroachments.** The encroachments into Ocean Front Walk are subject to review and approval by the Department of Recreation and Parks. The applicant shall provide proof of a valid Outdoor Dining Permit prior to clearance of this condition and shall be maintained for the dining area.
11. **Loading Area.** A loading area shall be provided onsite pursuant to LAMC Section 12.21-C.6.
12. 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.
13. 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.
14. 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.

Alcoholic Beverage Conditions

15. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the proposed 5,998 square-foot restaurant with an existing 1,805 square-foot patio and a second proposed 930 square-foot outdoor patio and recreation area from the effective date of this grant. Subject to the following limitations:
 - a. The restaurant will operate from 8:00 a.m. to 11:00 p.m. Sunday through Thursday and from 8:00 a.m. to 12:00 a.m. Friday, Saturday and holidays. Alcohol service will be limited from 10:00 a.m. to 11:00 p.m. Sunday through Thursday and from 10:00 a.m. to 12:00 a.m. Friday, Saturday and holidays.
 - b. Indoor seating shall be limited to a maximum of 68 seats provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - c. Outdoor seating shall be limited to a maximum of 86 seats. An Outdoor Dining Permit or approval shall be obtained from the Department of Recreation and Parks for any encroachments and dining areas on Ocean Front Walk. The final number of seats and their location may be modified by said agency in order to provide accessibility and required clearances from existing structures. (A copy of the approved Permit, including a plot plan and any conditions thereto, shall be provided to the Department of City Planning prior to placing any seating in the public right of way as permitted by this grant).

16. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
17. 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:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

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

18. STAR/LEAD Training. Within the first six months of operation or the effectuation of the grant, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training.
19. STAR/LEAD training shall be conducted for all new hires within three (3) months of their employment.
20. 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.
21. 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.
22. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
23. The Applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
24. 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 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.

25. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
26. The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
27. 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 notifying patrons of the program. The signs/cards 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.
28. 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.
29. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
30. 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.
31. Prior to the utilization of this grant, the applicant shall submit the restaurant's menu to the case file to document that the premises shall be maintained as a bona fide restaurant with a kitchen to be used for cooking and preparing of food. Food service shall be available at all times during operating hours.
32. The establishment shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
33. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
34. There shall be no topless entertainment, male or female performers or fashion shows. Any background music or other recorded ambient music shall not be audible beyond the area under the control of the applicant.
35. Entertainment in conjunction with the restaurant is limited to ambient music to compliment the dining experience, shall be limited to background music at a low volume such that it is

not audible beyond the premises. Independent, professional or amateur disc jockeys and karaoke are allowed.

36. Valet parking shall be provided to restaurant patrons. The availability of said validated parking and the location of said parking shall be made known to the public via the restaurant menu, a posting of the information at readily visible locations and on the restaurant website. The applicant shall provide a copy of the menu, signs or web page, for inclusion in the case file.
37. A single valet operator shall be on-site who shall be responsible for enforcement of any conditions of this action regarding valet parking.
38. Passenger loading shall be conducted onsite. The rear alley shall not be used for passenger loading at any time.
39. Valet service shall not utilize any local streets for the parking of vehicles at any time.
40. 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.
41. 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. 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.
42. All deliveries shall be made in the rear parking area, onsite. No loading or unloading of deliveries shall be permitted within the Speedway right-of-way.
43. There shall be no permanent dance floor. The total number of persons shall be maintained at or below the occupancy approved by the Fire Department.
44. Live music and entertainment are outdoors 12:00 p.m. to 9:30 p.m. Sunday through Thursday and 12:00 p.m. through 10:30 p.m. Friday, Saturday and holidays; live music and entertainment shall adhere to the City of Los Angeles Noise Ordinance.
45. The operator shall obtain permits from the Los Angeles Police Permit Processing Section, pursuant to LAMC Sections 103.102 and 103.106. Copies of said permits shall be submitted to the Department of City Planning within 30 days of their issuance for inclusion in the case file.
46. The establishment shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the establishment for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public.
47. The premises shall not be leased or rented to outside promoters or to any third parties for private parties or special events. The operator may host private parties or events where a fixed number of customers is predetermined and does not exceed the seating capacity or maximum occupancy approved by the Fire Department. The conduct of the business during

any private parties shall be under the direct control of the business owner/operator and restaurant management staff shall be present during private parties. The person responsible for the private party or event shall be provided with a copy of the conditions of this grant and the language below or similar language shall be included in the contract related to any private party or event. Prior to the utilization of this grant, the Applicant shall provide a copy of its standard contract related to private parties or events to the Department of City Planning for inclusion in the case file.

The total number of guests shall not exceed the maximum occupancy determined by the Fire Department. Restaurant management staff shall be present during the private party or event. The City's conditions of approval imposed on the operation of the establishment by Case No. APCW-2020-1521-SPE-SPP-CDP-CUB-ZV, which permits the sale and dispensation of a full line of alcoholic beverages for on-site consumption, shall be observed at all times during the private party or event.

48. No after-hours use of the restaurant shall be permitted. The premises shall not be exclusively used for private parties, including promotional events, in which the general public is excluded.

Administrative Conditions

49. Prior to the utilization of this grant, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the restaurant, known as The Great White, and agree to abide and comply with said conditions.

A copy of the conditions of this letter of determination, business permit, and insurance information shall be retained on the premises at all times, and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

50. 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.
51. MViP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. 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. 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.
52. 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 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.

53. The West Los Angeles Area Planning Commission 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.
54. 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 "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
55. 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.
56. 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.
57. 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.
58. 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.

59. Condition Compliance. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
60. 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. 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.

