

CONDITIONS OF APPROVAL

Pursuant to Sections 11.5.11(e), 12.24 W.1 and 16.05 of the Los Angeles Municipal Code (LAMC), the following conditions are hereby imposed upon the use of the subject property:

A. Development Conditions

1. **Site Development.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A". Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Los Angeles Municipal Code (LAMC), the subject conditions, and the intent of the subject permit authorization.
2. **Use.** The Project shall be limited to a seven-story mixed-use building inclusive of 432 residential dwelling units and 22,000 square feet of commercial space.
3. **Height.** The height of the proposed project shall not exceed 87 feet, consistent with the Height District 1. Any structures on the roof, such as air condition units and other equipment, shall be fully screened from view of any abutting properties with residential dwellings.
4. **Affordable Units.** A minimum of five percent of the total residential dwelling units provided shall be designated as Restricted Affordable Units and reserved for Extremely-Low Income households and six percent of the total residential dwelling units provided shall be designated as Restricted Affordable Units and reserved for Very-Low Income households, as defined by the LAMC Section 11.5.11(j) and as required by the LAMC Section 11.5.11(a)(1)(ii).
5. **Changes in Restricted Units.** Deviations that change the composition of units shall be consistent with LAMC Section 11.5.11(a)(1)(ii).
6. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make a minimum of five percent of the total residential dwelling units provided available to Extremely-Low Income Households and a minimum of six percent of the total residential dwelling units provided available to Very-Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA 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 11.5.11(a)(1)(ii), to the satisfaction of HCIDLA, and in consideration of the project's AB 2556 Determination, dated February 27, 2019. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present 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 HCIDLA.
7. **Developer's Incentives.**
 - a. **Clean-Up Green-Up District.** Open space may be located adjacent to a Subject Use including but not limited to automotive uses as listed in the LAMC Section 13.18 E.2(d) in lieu of the requirements of the LAMC Section 13.18 F.3(a).

- b. **Floor Area Ratio (FAR).** A maximum 3.32:1 FAR may be provided in lieu of the maximum 3:1 FAR permitted pursuant to LAMC Section 12.21.1.
- c. **Parking.** A parking ratio of 1 parking space per dwelling unit may be provided in lieu of the parking requirements pursuant to LAMC Section 12.21 A.4.
 - i. The project shall provide unbundled parking leases for residential units. Residential tenants shall have the option to lease parking spaces separately from the residential dwelling units or commercial tenant space, or to opt out of leasing parking spaces.
 - ii. **Electric Vehicle Parking.** All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC. Bicycle Parking. On-site bicycle parking shall be provided in accordance with LAMC Sections 12.21 A.16(a)(1)(i) and 12.21 A.16(a)(2).

B. Site Plan Review Conditions

- 8. **Pedestrian access.** Pedestrian access shall be provided along all street frontages in order to connect the development to Lankershim Boulevard, Strathern Street, and Blythe Street. The project shall install at least one pedestrian gate along the Blythe Street frontage.
- 9. **Sustainability.**
 - a. 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.
 - b. Prior to the issuance of the Certificate of Occupancy, the applicant shall install solar panels on fifteen percent of the rooftop space and comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
- 10. **Landscaping.** All open areas not used for buildings, driveways, parking areas, or recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape development plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
 - a. **Trees.** Except as additionally conditioned herein, a submitted landscape plan shall be reviewed to be in substantial conformance with Exhibit "A." Proposed trees shall have a minimum trunk diameter of two inches and a height of eight feet at the time of planting.
 - b. **Landscape Buffer.** Landscaping shall be in substantial compliance with the landscape plans stamp dated Exhibit A to buffer residential homes east of the project site and the landscape plan shall comply with the applicable regulations of LAMC Section 12.21 G.
- 11. **Drive-Through.**
 - a. The drive-through shall be situated interior to the site and not directly front the public right-of-way.
 - b. Prior to issuance of a building permit, a parking area and driveway plan and the site's internal circulation and queuing shall be submitted to the Department of Transportation for review and approval.
- 12. **Eastern and Southern Façade (Adjoining Residential Uses).** On any interior property line which separates the proposed mixed-use building from an abutting residential zone or use, a minimum 6-foot decorative masonry wall shall be provided.

13. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.
14. **Signage.** On-site signs shall be limited to the maximum allowable under the Los Angeles Municipal Code and shall be in substantial conformance with those shown in Exhibit A, which shall be of an identifying nature only, shall not be of a flashing or animated type, and shall be arranged and located so as not to be a distraction to adjacent residential zones or uses.
15. **Exterior or Roof Structures.** Any structures on the roof, such as air conditioning units and other mechanical equipment, shall be fully screened (with such screening material incorporated in the design of the project) from view from any abutting properties and set back as far as possible from residential property lines and sound proofed.
16. **Above-Grade Parking.** Above-grade parking levels shall have an external screen integrated into the architecture and be designed to improve the building's appearance and minimize light pollution while meeting code requirements for ventilation.
17. **Construction.**
 - a. 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 to the extent feasible.
 - b. Notwithstanding the provisions of LAMC Section 14.4.17, no signs shall be permitted on construction fencing except for those signs required by the Department of Building and Safety or other Department, Bureau, or Agency.
18. **Lighting.**
 - a. 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.
19. **Trash Collection and Deliveries (Vehicle Loading and Unloading).** Trash pick-up, compacting, loading and unloading and receiving deliveries shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturday. No trash collection or deliveries shall occur on Sunday. All deliveries shall occur so as not to be visible from adjacent residential properties.

C. Master Conditional Use Permit Conditions

20. **MCUP.** Approved herein is a Master Conditional Use Permit for sale of a full line of alcoholic beverages for on-site consumption, including distilled spirits and beer and wine, in conjunction with the use and operation of 22,000 square feet of commercial, retail, and restaurant space with hours of operation from 7:00 a.m. to 12:00 a.m., daily.
21. **Master Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Master Plan Approval (MPA) determination pursuant to Section 12.24 M of the Los Angeles Municipal Code to implement and utilize the Master Conditional Use authorization granted. The purpose of the Master Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. The Zoning Administrator may impose more restrictive or less restrictive

conditions on each individual tenant at the time of review of each Plan Approval application.

22. **MPA Public Hearing Requirement.** A public hearing for any Master Plan Approval (MPA) request may be waived at the discretion of the Chief Zoning Administrator.
23. **Exhibit A.** 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.
24. **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.
25. **Surveillance.** 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 60 days and are intended for use by the Los Angeles Police Department.
26. **Safety Illumination.** All exterior public space (front, side, and rear) will be illuminated with sufficient lighting for the police to identify all persons standing outdoors at night.
27. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 1. Entry, visible to pedestrians
 2. Customer service desk, front desk or near the reception area.Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
28. **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.
29. **Inspections.** Cooperate with all law enforcement agencies, including, but not limited to, LAPD and the State Department of Alcohol Beverage and Control (ABC). Under Business and Professions Code Section 25755, Penal Code Section 830.1, "Peace officers may, in

enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his or her license on the premises.”

- a. Property owner/licensee/managers and employees must cooperate with law enforcement during any investigation occurring at the premise. Do not take any action which would impede, interfere, hinder, or otherwise obstruct any investigation undertaken by any law enforcement agency which relates to the Property. Access shall be granted into the property at all times.
30. **Monitoring Conduct.** 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.
 31. **Operation Control.** The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially residential uses, including noise derived from patrons exiting and crowd control during entry and exiting.
 32. **Loitering.** 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.
 33. **Dancing.** There shall be no dancing permitted in the premises at any time unless an application pursuant to Section 12.24 W,18(a) is filed and a public hearing is held.
 34. **Private Events.** Any use of a venue with an alcohol permit for on-site consumption shall not use the entire venue for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public and any such event in a portion of the venue shall be subject to the same provisions and hours of operation as the venue.
 35. **Live Entertainment.** There shall be no live entertainment, disc jockey or karaoke at any premises on the site unless permitted by a Plan Approval with a public hearing. The playing of individual pieces of music queued by a staff member of the establishment on a computer, table, device, or similar music player shall not be considered a disc jockey.
 36. **Amplified Music.** Amplified recorded music shall not be audible beyond the area under the control of the individual venue shall not exceed decibel levels that are stated in the City's Noise Ordinance.
 37. **Signs.** The exterior windows and glass doors of the venues 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 venue by Police and private security.
 38. **Cover Charge.** There shall be no cover charge required at any time on the premise.
 39. **After hours.** After hour use shall be prohibited, 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.
 40. **Manager Requirement.** 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.

41. **Copy of Conditions.** 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.
42. **Litter.** The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
43. **Coin Machines.** Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted on the premises. Official California State lottery games and machines are allowed.
44. **Pool or billiard table.** No pool or billiard table shall be maintained on any premises within the development.
45. **Electronic Age Verification Device.** 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.
46. **Smoking.** 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.
 - a. 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.

D. Environmental Conditions

47. **Air Quality.**
 - a. **PDF-AQ-1.** The following shall be employed by the Project to minimize construction-related emissions:
 - i. All off-road diesel-powered equipment shall be required to meet Tier 4 final off-road emissions standards during all phases of Project construction. Such equipment shall be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filter or equivalent.
 - ii. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. Exceptions to these requirements are identified in 13 California Code of Regulations (CCR) Section 2485(d).

- iii. Provide notification to trucks and vehicles in loading or unloading queues that their engines shall be turned off when not in use for more than 5 minutes.
- iv. Electric equipment shall be used to the extent feasible in lieu of diesel or gasoline-powered equipment.
- v. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.
- vi. On-site construction activities shall utilize existing electric power sources to the extent feasible to minimize the use of higher polluting gas or diesel generators.
- vii. Construction activities shall limit the hours of operation of heavy-duty equipment and/or the quantity of equipment in use to the extent feasible.
- viii. During the application of architectural coatings for the new residential, restaurant, and commercial spaces, the Project shall use paints with a VOC content of 10 grams per liter (g/L) or less, which exceeds the regulatory VOC limits put forth by SCAQMD's Rule 1113.
- ix. Sufficient dampening of the construction area shall be conducted as necessary to control dust caused by grading, hauling, and wind.
- x. Construction personnel shall secure loads by trimming and watering or covering to prevent the spilling or blowing of the earth material.
- xi. Construction personnel shall clean all trucks and loads at the export site to prevent the blowing of dirt and spilling of loose earth.
- xii. A sign shall be posted at the Project Site at a readily visible location that identifies the construction manager and a telephone number for any inquiries or complaints from residents regarding construction activities.

48. Green House Gas Emissions.

- a. **PDF-GHG-1.** The following shall be employed by the Project to minimize greenhouse gas emissions:
 - i. The Project shall install energy efficient appliances.
 - ii. The Project shall install low-flow plumbing fixtures.
 - iii. The Project shall provide 19 short-term and 183 long-term bicycle parking spaces at the Project Site.
 - iv. The Project shall plant a total of 117 trees, 15 of which would be street trees, along with native and drought-tolerant vegetation such as shrubs and ground cover.
 - v. The Project shall install solar panels on 15 percent of the rooftop space of the proposed mixed-use building.
 - vi. The Project shall install prewiring for electrical vehicle (EV) charging for 30 percent of the total parking spaces provided at the Project Site.
 - vii. The Project shall provide EV parking spaces that are installed with chargers and ready for immediate EV use for 10 percent of the total parking spaces provided at the Project Site.
 - viii. The Project shall not provide any indoor fireplaces for residential units.
 - ix. The Project shall install outdoor power outlets to facilitate the use of electric landscaping equipment for maintaining common areas.
 - x. The Project shall enroll in the organic waste recycling services provided by the solid waste collection service provider and ensure that compostable receptacles will be provided for the multi-family uses to reduce landfilled waste.

49. Noise and Vibration.

- a. **PDF-NOI-1.** No pile driving activities or blasting will be allowed at the Project Site during construction.

- b. **PDF-NOI-2.** All noise-generating mechanical equipment during Project operations will be equipped with noise-muffling devices or shielding (e.g., enclosures) to minimize noise levels at neighboring properties in accordance with Section 112.02 of the LAMC, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than 5 dBA. The noise control methods that will be implemented by the Project to reduce its mechanical equipment noise levels may include, but will not be limited to:
- i. Selecting mechanical equipment designed to produce low noise levels. This includes the mechanical equipment for heating and cooling interior spaces (i.e., HVAC) as well as equipment associated with the swimming pool;
 - ii. Shielding mechanical equipment with screens, acoustical louvers, or other noise barriers; and
 - iii. Installing a parapet wall around the perimeter of the rooftop of the mixed-use building to minimize noise levels from HVAC equipment.
- c. **PDF-NOI-3:** The Project will implement operational restrictions to limit excessive noise generated by residents at the outdoor amenity areas located at the ground floor level, which includes the pool deck and spa, game lounge, outdoor kitchen, BBQ and sitting area, tot lot, community garden, and pet park. Such restrictions will include limiting the hours of use at these outdoor areas to between 7:00 a.m. and 10:00 p.m. (to correspond with the daytime hours specified by the City's noise ordinance), enforcing all applicable capacity limits on the number of residents using each amenity area (for example, as required by fire or safety codes), and restricting the exterior use of amplified music. Building management staff would be required to ensure that operations remain in compliance with the daytime noise limits set forth in the LAMC.
- d. **MM-NOI-1.** The following shall be employed during Project construction to reduce short-term noise levels:
- i. A 15-foot-high temporary noise barrier with a minimum STC rating of 28 will be erected along the eastern and southern boundaries of the Project Site to provide a minimum of 10 dBA noise attenuation.
 - ii. Equipment staging and laydown areas will be located at the farthest practical distance from nearby residential land uses.
 - iii. High noise-producing construction activities will be scheduled during periods that are least sensitive, such as during daytime hours when neighboring residents are generally away at work.
 - iv. Construction equipment will be fitted with noise-reduction features such as mufflers and engine shrouds that are no less effective than those originally installed by the manufacturer.
 - v. Stationary construction equipment, such as compressors, will be positioned as far away as practical from adjacent noise-sensitive receptors.
 - vi. All construction equipment not in use will be switched off.
 - vii. Haul trucks will not be allowed to idle for periods greater than 5 minutes, except as needed to perform a specified function (e.g., concrete mixing). Signs will be posted in delivery loading areas specifying this idling restriction.
 - viii. On-site vehicle speeds will be limited to 15 miles per hour or less (except in cases of emergency).
 - ix. Construction-related truck traffic will be routed away from noise-sensitive areas to the extent feasible.
 - x. Back-up beepers for all construction equipment and vehicles will be broadband sound alarms or adjusted to the lowest noise levels possible, provided that Occupational 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.

- xi. A designated point of contact will be identified to address noise-related complaints during construction. The noise disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler) and will be required to implement reasonable measures such that the complaint is resolved.
- e. **MM-NOI-2.** A solid wall with a minimum height of 8 feet shall be erected to serve as a noise barrier along the portion of the Project Site's southern boundary where the outdoor amenity areas are located to reduce noise levels at the adjacent off-site single-family residences.
- f. **MM-NOI-3.** During Project construction the use of large, full-size mobile construction equipment, such as bulldozers, excavators, loaders, etc., shall be prohibited within 25 feet of the existing residential and commercial structures directly adjacent to the Project Site boundary. Instead, small-sized mobile equipment (e.g., Bobcats/skidsteers, compact or mini model versions of bulldozers, excavators, small loaders) shall be used for construction work that needs to take place within this distance to off-site structures during all phases of construction.

50. Public Services.

- a. **PDF-PS-1.** A construction fence shall be constructed around the Project Site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- b. **PDF-PS-2.** Prior to the occupancy of the Project, the Applicant shall provide the Foothill Area Commanding Officer with a diagram of each portion of the property, including access routes, and additional information to facilitate potential LAPD responses.

51. Transportation.

- a. **PDF-TRAF-1: TDM Program.** The Project shall develop and implement a TDM program to promote non-auto travel and reduce the use of single-occupant vehicle trips. The TDM program would be subject to review and approval by the City (Department of City Planning and LADOT). The strategies in the TDM program would include, but are not necessarily limited to, the following:
 - i. **Educational Programs/On-Site Coordinator.** A TDM coordinator would be required to be part of the building management staff that would reach out to employers and employees directly to promote the benefits of the TDM.
 - ii. **Transportation Information Center/Kiosk.** The Transportation Information Center would be a centrally-located commuter information center where project residents can obtain information regarding commute programs, and individuals can obtain real-time information for planning travel without using an automobile. A Transportation Information Center would provide information about transit schedules, commute planning, rideshare, telecommuting, and bicycle and pedestrian plans.
 - iii. **Project Design Features to Promote Bicycling and Walking.** The Project would incorporate features for bicyclists and pedestrians, such as exclusive access points, secured bicycle parking facilities. Pedestrian improvements internal to the Project Site would encourage walking and connect to off-site pedestrian facilities. Additionally, the Project Site would be designed to be a friendly and convenient environment for pedestrians.
 - iv. **Bikeway Improvements.** The Project would contribute funding toward the implementation of bicycle improvements within the Study Area under the 2010 Bicycle Plan and Mobility Plan.

- v. **Reduced Parking Supply:** Reduced parking supply to provide less parking than the direct LAMC requirement without consideration of additional parking reductions mechanisms (i.e., Bicycle Parking Ordinance, Specific Plan or Enterprise Zone areas, etc.)
- b. **PDF-TRAF-2: Mobility Improvement Program:** The mobility improvement plan for the Project would include the following improvements:
 - i. **Installation of Continental (High Visibility) Crosswalks:** The following four study intersections have been identified as locations where continental (high visibility) crosswalks would be installed: 4. Webb Avenue & Roscoe Boulevard, 6. Laurel Canyon Boulevard & Strathern Street, 9. Vineland Avenue & Strathern Street, and 12. Tujunga Avenue & Saticoy Street. The Project would install continental (high visibility) crosswalk markings such as white (standard) or yellow (school) zebra stripes across all four cross segments of an intersection. Additionally, continental (high visibility) crosswalks would include a striped setback limit to reduce the number of vehicles encroaching into the crosswalk.
 - ii. **Installation and Maintenance of Sidewalks:** One key corridor has been identified within the Study Area without ADA compliant sidewalks. The north side of Strathern Street between Lankershim Boulevard and Irvine Avenue requires sidewalk installation and maintenance to complete the pedestrian connection. The Project would improve this segment of Strathern Street to include widening, paving, and clearly marking sidewalk and curb space.
 - iii. **Installation of Bus Stop Shelters:** The bus stop located on the west side of Lankershim Boulevard south of Strathern Street (Intersection #7), which serves Metro Local 224 and 353, would be improved with the installation of a bus stop shelter. This bus stop currently has two benches and transit signage.
 - iv. **Installation of Bus Stop Benches:** The bus stop located on the east side of Lankershim Boulevard south of Strathern Street (Intersection #7), which serves Metro Local 224 and Local 353, would be improved with the installation of a bus stop bench. The bus stop currently only provides transit signage.
- c. **PDF-TRAF-3: TSM Improvements.** The Project would fund TSM improvements within the Study Area to better facilitate vehicle and pedestrian operations. The TSM improvements would target the Lankershim Boulevard corridor. Based on consultation with LADOT, the following TSM improvements would be implemented:
 - i. Upgrade existing traffic signal controller cabinets to Type 351/2/6/7 cabinets: 5. Lankershim Boulevard & Roscoe Boulevard/Tuxford Street, 7. Lankershim Boulevard & Webb Avenue & Strathern Street, 10. Lankershim Boulevard & Stagg Street, and 11. Lankershim Boulevard & Saticoy Street.
 - ii. Replacement of existing video fibers with a 24-strand signal mode fiber cable: 7. Lankershim Boulevard & Webb Avenue & Strathern Street.
 - iii. Upgrade existing pedestrian push buttons to accessible pedestrian signals: 5. Lankershim Boulevard & Roscoe Boulevard/Tuxford Street, 7. Lankershim Boulevard & Webb Avenue & Strathern Street, 10. Lankershim Boulevard & Stagg Street, and 11. Lankershim Boulevard & Saticoy Street.
- d. **PDF-TRAF-4: The Applicant shall prepare a detailed Construction Management Plan that shall include, but not be limited to, the following elements, as appropriate:**
 - i. Prohibition on construction-related vehicles/equipment parking on surrounding public streets.

- ii. Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers shall be implemented as appropriate.
- iii. Scheduling of construction-related deliveries, haul trips, etc., so as to occur outside the commuter peak hours to the extent feasible.
- iv. Installation of appropriate traffic signs around the Project Site to ensure pedestrian, bicycle, and vehicle safety.
- v. No staging of hauling trucks on any streets adjacent to the Project, unless specifically approved as a condition of an approved haul route.
- vi. Spacing of trucks so as to discourage a convoy effect.
- vii. Installation of truck crossing signs within 300 feet of the exit of the Project Site in each direction.
- viii. Sufficient dampening of the construction area to control dust caused by grading and hauling and reasonable control at all times of dust caused by wind.
- ix. Securing of loads by trimming and watering or covering to prevent the spilling or blowing of the earth material.
- x. Cleaning of trucks and loads at the export site to prevent blowing dirt and spilling of loose earth.
- xi. Maintenance of a log documenting the dates of hauling and the number of trips (i.e., trucks) per day available on the job site at all times.
- xii. Identification of a construction manager and provision of a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.
- xiii. No less than 30 days prior to the start of construction, the Applicant shall also meet with the administrators of Arminta Elementary School to discuss Project construction, the Construction Management Plan, and provide information regarding the construction relations officer who would serve as the liaison to the community. The Project applicant shall also maintain ongoing contact with the administrators of Arminta Elementary School to inform the school when demolition, grading, construction activities, and any street or sidewalk closures would commence.

E. Administrative Conditions

52. **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.
53. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
54. **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.
55. **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.

56. **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.
57. **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.
58. **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.
59. **Corrective 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 City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
60. **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 - 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.
61. **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 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 the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- 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 (ii).
- 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.

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 alcohol beverage shall be allowed to be consumed on any property adjacent to the licensed premises under the control of the applicant.
- No person under the age of 21 years shall sell or deliver alcoholic beverages.
- The venue operator, owner and the venue personnel shall at all times maintain a policy of not serving to obviously intoxicated patrons and shall take preventative measures to help avert intoxication-related problems.
- Under no circumstances shall the property owner/operator allow patrons to bring in bottles of their own alcoholic beverages or provide patrons with set-up glasses, mixers, and ice for use with the consumptions of beverages on the site.
- Bottle and/or Table service involving the distribution of distilled spirits shall be prohibited. "Buckets, bottle, pitchers, or box service" of beer and portable bars are prohibited. This shall include bottles of 175 ml or larger. Beverages shall not be sold in multiple containers. In addition, there shall be no sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating.
- Alcohol sales and dispensing for on-site consumption shall only be served by employees.
- There shall not be a requirement to purchase a minimum number of drinks.
- There shall be no illuminated (i.e. neon) or 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.
- Signs shall be posted in English and in Spanish stating that California State Law prohibits the sale of alcoholic beverages to persons who are under 21 years of age.
- No smoking of tobacco products including cigarettes, cigars, hookah, or water pipes either inside the location or on any outdoor patios.
- At all times when the premises are open for business, the sale of alcoholic beverage shall be incidental to the sale of food.
- The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food. The license shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed restaurants. Said records shall be kept no less frequently than a quarterly basis and shall be made available to the Police Department upon request.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/check-out clerk specifically assigned solely to that station.

- The alcoholic beverage license for the restaurants shall not be exchanged for “public premises” license unless approved through a new conditional use authorization. “Public Premises” is defined as a premise maintained and operated for sale or service of alcoholic beverages to the public for consumption on the premises, and in which food is not sold to the public as a bona fide eating place.
- All Type 41 Licensed premises shall be maintained as a bona fide restaurant with a kitchen and shall provide a menu containing an assortment of food normally offered in such restaurants. Food service shall be available at all times during authorized operating hours.
- There shall be no portable self-service bar(s) at either location. A wait person or bartender shall conduct all alcoholic beverage service, which may be from a portable bar.