CONDITIONS OF APPROVAL

(As Modified by the Planning and Land Use Management Committee at its meeting of October 13, 2026)

Numbering has been modified to accommodate the added conditions. The Conditions are hereby modified as follows (Deleted text is shown in ~~strikethrough~~ and added text is **bolded and underlined**):

Entitlement Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled Exhibit "A", dated October 10, 2025, and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Valley Project Planning Bureau, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.

2. **Residential Density.** The project shall be limited to a maximum density of 814 residential dwelling units, including On-Site Restricted Affordable Units.

3. **On-site Restricted Affordable Units.** 46 units shall be reserved for Very Low Income Households, as defined by the California Government Code Section 65915 and by the Los Angeles Housing Department (LAHD). In the event the SB 8 Replacement Unit condition requires additional affordable units or more restrictive affordability levels, the most restrictive requirements shall prevail.

4. **Changes in On-Site Restricted Units.** Deviations that increase the number of On-Site Restricted Units or that change the composition of units or parking numbers shall be consistent with LAMC Section 12.22 A.37.

5. **Housing Requirements.** Prior to the issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing Department (LAHD) to make 46 units available to Very Low Income Households or equal to seven (7) percent of the project's total proposed residential density allowed, for sale or rental, as determined to be affordable to such households by LAHD for a period of 99 years. In the event the applicant reduces the proposed density, the number of required reserved on-site Restricted Units may not be adjusted. A new entitlement will be required to adjust the number of required reserved on-site Restricted Units. Enforcement of the terms of said covenant shall be the responsibility of LAHD. The applicant shall submit a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the LAHD.

   Unless otherwise required by state or federal law, the project shall provide an on-site building manager's unit, which the owner shall designate in the covenant. The Owner may not use an affordable restricted unit for the manager's unit.

Specific Plan Project Compliance Conditions

6. **Use.** The project shall be limited to 75,968 square feet of restaurant spaces and 668,938 square feet of residential uses.

7. **Floor Area.** The project shall be limited to a maximum floor area of 744,906 square feet and FAR of 3.2:1.

8. **Height.** The height of the buildings shall be limited to 36 feet (Building 1) and 84 feet (Buildings 2, 3, and 4), as shown on the project plans, Exhibit "A", attached to the subject case file.

9. **Front Yard Setback.** The project shall provide minimum front yard setbacks of 1 foot, 6 inches.

10. **Side Yard Setback (east).** The project shall provide minimum side yard setbacks of 1 foot, 6 inches.

11. **Side Yard Setback (west).** The project shall provide minimum side yard setbacks of 28 feet.

12. **Rear Yard Setback.** The project shall provide a minimum rear yard setback of 1 foot, 6 inches.

13. **Open Space.** The project shall provide a minimum of 89,937 square feet of usable open space.

14. **Lot Coverage.** Lot coverage shall not exceed 74 percent of the lot before dedication.

15. **Parking.**

    a. **Automobile Parking (AB 2097).** Pursuant to California Government Code Section 65863.2 (Assembly Bill 2097), the project is located within one-half mile of a major transit stop and is exempt from minimum automobile parking requirements. No minimum automobile parking spaces are required for this project. Any parking spaces provided shall be voluntary and not subject to minimum zoning requirements, though they must comply with design and layout standards of the Los Angeles Municipal Code.

    b. **Bicycle Parking.** Bicycle parking shall be provided in compliance with LAMC Section 12.21 A.16.

    c. **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, to the satisfaction of the Department of Building and Safety.

16. **Circulation.** The applicant shall submit a parking area and driveway plan to the Los Angeles Department of Transportation (LADOT) for approval.

17. **Landscaping.** A landscape plan shall be submitted to ensure that:

a. In conformance with the Los Angeles River Improvement Overlay Zone, a revised landscape plan shall be submitted to show at least 75 percent of the plants proposed as appearing on at least one of the following lists:

   i. Native plants may be verified through: http://calscape.com/ or equivalent

   ii. Watershed Wise on the list of plantings here: http://www.watershedhealth.org/Files/document/874_WatershedWise%20List%207_1_14.pdf

   iii. In conformance with the Los Angeles County River Master Plan Landscaping Design Guidelines, which may be verified here: http://ladpw.org/wmd/watershed/LA/LAR_planting_guidelines_webversion.pdf

b. A minimum 18-inch setback along the front and easterly side lot lines shall be fully landscaped.

c. At least 66 percent (1,437 square feet) of all Front Yards or front setbacks in excess of 18 inches shall be landscaped and the remainder shall be finished to City standards for sidewalks, or finished with other paving materials, including concrete pavers, brick masonry pavers.

d. The project shall provide 218 24-inch box trees.

e. The applicant shall maintain the landscape in good, healthy condition by performing daily maintenance, removing trash, and replacing any dead plant materials, broken irrigation sprinklers and watering devices.

f. **Certification of Landscape Installation**. Prior to obtaining a Certificate of Occupancy, the project architect, landscape architect, or engineer shall certify in a letter to the Department of City Planning and to the Department of Building and Safety that the approved landscape plan has been implemented.

18. **Signs.** The Department of Building and Safety shall not issue a permit for a sign unless the sign complies with the Ventura-Cahuenga Boulevard Corridor Specific Plan, Section 8, effective date of August 18, 2021. The project is vested under Case No. CPC-2025-5697-DB-PR-SPPC-MCUP-VHCA. Prior to issuance of any sign permit, each future tenant/applicant shall submit two (2) copies of sign plans to the Department of Planning for review and approval.

a. The plans shall include a detailed Site Plan and Elevations showing sign placement, storefront width, sign colors, materials, dimensions and copy.

b. The type, style, design, colors and materials of the signs shall be compatible and be consistent throughout the building.

c. Written evidence of review by the property owner regarding the proposed location, colors, materials, and design (and any recommendations thereto), shall be submitted as part of the application.

d. The maximum amount of wall signage on the building shall not exceed 5,990 square feet. Prior to clearance, a sign inventory shall be submitted identifying the size and location of all the signs on the building.

e. The future signs conform to the following:

i. No wall sign may project from a building face more than 12 inches, or above the lowest elevation of the roof eave visible from the street.

ii. Exposed raceway must be approved by Owner and shall be painted to match the façade.

iii. No decals shall be visible except as required by local codes and ordinances (including U.L. as required).

iv. No animated, flashing or audible signs shall be permitted.

v. All sign drawings shall be subject to review by landlord prior to submittal for Planning Department approval. Tenant/applicant shall submit two copies of sign plan for approval.

vi. The dimensions of the sign for each tenant shall not exceed the dimensions below:

Ventura Boulevard Identity Signage				
Tenant	**Code**	**Building No.**	**Sign Type**	**Sign Area (sqft)**
Tenant 3-1	PW.01	Building 3	Wall	200
Tenant 2-2B	PW.01 / PW.02	Building 2	Wall/Projecting	166
Tenant 2-2A	PW.01	Building 2	Wall	125
Tenant 2-1	PW.01	Building 2	Wall	125
Tenant 1-3	PW.03 / PW.02	Building 1-3	Wall/Projecting	216
Tenant 1-2B	PW.03 / PW.02	Building 1-2	Wall/Projecting	216
Tenant 1-2A	PW.01	Building 1-2	Wall	200
Tenant 1-1B	PW.03 / PW.02	Building 1-1	Wall/Projecting	216
Total				1,464
Valleyheart Drive Identity Signage				
Tenant	**Code**	**Building No.**	**Sign Type**	**Sign Area (sqft)**

Tenant 1-1A	PW.03	Building 1-1	Wall	200
Tenant 1-2A	PW.03	Building 1-2	Wall	200
Tenant 1-2B	PW.01	Building 1-2	Wall	125
Tenant 2-1	PW.01	Building 2	Wall	200
Tenant 2-2A	PW.01	Building 2	Wall	200
Total				925
Ventura Boulevard Identity Signage				
Tenant	**Code**	**Building No.**	**Sign Type**	**Sign Area (sqft)**
Ventura Boulevard Identity Signage				
Tenant	**Code**	**Building No.**	**Sign Type**	**Sign Area (sqft)**
Tenant 1-1B	PW.03	Building 1-1	Wall	92
Tenant 1-1A	PW.03	Building 1-1	Wall	92
Total				184
Total				**2,573**

b. **Window Signs.** All Window signs shall not exceed 10 percent of the window they occupy and be limited to the store name, store hours, security signs, or logos, and holiday paintings only, provided they are not placed in the window more than 30 business days before a holiday and are removed within ten business days after the holiday.

c. **Monument Signs.** This approval shall permit three (3) Monument Signs; on the northeast corner of Ventura Boulevard and Whitsett Avenue, next to building No 2-2B facing Ventura Boulevard, and next to building No 1-1. The Monument signs shall not be taller than six (6) feet in height and greater than 60 square feet in area. Each Monument Signs shall be installed within a landscaped area which are equal to or greater in area than the dimensions of the face of the sign. The monument sign shall be manufactured as shown on the submitted plans marked Exhibit “A”, except as modified herein, pursuant to Section 8.B.1.b of the Specific Plan.

d. **Projecting Sign.** No more than one projecting sign shall be permitted for each building. Notwithstanding LAMC Section 91.6209(d)(2) to the contrary, no wall sign may project from a building face more than 12 inches, or above the lowest elevation of the roof eave visible from the street and projecting sign shall be limited to 16 square feet.

e. **Construction Sign.** This approval shall permit the installation of one (1) non-illuminated construction sign of no more than 25 square feet in sign area and no more than 15 feet in height. Any construction sign shall be removed prior to the issuance of a certificate of occupancy or within 30 days of completion of the project, whichever is sooner.

f. **Temporary Banners.** This approval shall permit the installation of one (1) banner at any given time of no more than 100 square feet in size. No more than two (2) banners per year per site shall be permitted. Banners shall only be permitted to announce special events associated with seasonal holidays. A banner shall not be installed more than 30 days prior to the event and must be removed within 10 days following the event.

g. **Illegal Signs.** Prior to the Department of Building and Safety issuance of a final sign-off on any sign approved, any existing exterior signs, temporary banners, window signs, and signs used for advertising products, merchandise and services which are not permitted by the Ventura/Cahuenga Boulevard Corridor Specific Plan shall be removed from the business or multi-tenant storefronts by the respective tenants, property manager, or the property owner.

19. **Project Impact Assessment Fee.** Prior to Planning clearance, the applicant shall meet with the Department of Transportation (DOT) for assessment of this project. A "Project Impact Assessment" (PIA) fee may be required and paid to the satisfaction of DOT for the purpose of funding the Specific Plan improvements and services, as well as pedestrian improvements which are intended to mitigate the cumulative impacts of new developments within the Specific Plan area.

NOTE: PIA fees to be paid are subject to change due to increases to the Annual Indexing as determined by the DOT.

20. **Streetscape Improvement.** Prior to the issuance of a certificate of occupancy, and in addition to all other requirements of the Department of Building and Safety, the property owner shall submit public right-of-way plans to the Department of Public Works (pursuant to Section 9.A. of the Specific Plan) that all required landscape and relevant streetscape elements of the Studio City/Cahuenga Pass Streetscape Plan have been implemented as follows:

Trees

a. The general standard for planting street trees is to space them approximately 25 feet apart; however, actual spacing is to be determined by the Department of Public Works, Street Services Division. The minimum size is a 24-inch box. The trees are to be planted double staked, with stakes parallel to the roadway, and are to be self-supporting. Size standards shall be as referenced in the U.S.A. Standard for Nursery Stocks (ANSI 300. 1-current edition). The trees are to be untopped.

b. The tree planting standard for the palms is 25 feet from the deciduous trees. The deciduous trees are planted approximately 35 feet apart. The minimum size is a 24-inch box. The trees are to be planted staked, and are to be self-supporting for deciduous trees. The trees are to be untopped. The Mexican Fan Palm is to have 12 feet of brown trunk. The trees are to be planted according to the Department of Public Works Standard for Street Tree Planting. Actual tree spacing shall be

determined by the Department of Public Works, Street Services Division.

c. The Mexican Fan Palms, Washingtonia robusta, shall be extended along the length of Ventura/Cahuenga Boulevard. In all Studio City districts the Mexican Fan Palms will alternate with the Chinese Pistache Trees, and with Pink Trumpet Trees in the Cahuenga Pass community.

d. In all Studio City districts and the Cahuenga Pass community, flowering/canopy tree, will be planted closest to the intersections to provide a sense of shelter for pedestrians and to add color and visual interest to the intersections.

Lighting

e. To provide adequate illumination for the safety of vehicular and pedestrian traffic, taller roadway fixtures that meet the current minimum national standards will be provided to the satisfaction of Bureau of Street Lighting. Street lights are also used in a Streetscape Plan to provide aesthetic appeal and offer identity to a specific community. This is often accomplished by using lower scale pedestrian poles. This additional light also encourages commercial activity since it gives the pedestrian a greater sense of security provided to the satisfaction of Bureau of Street Lighting.

Street Fixtures, Furniture and Equipment

f. Bicycle racks shall be TimberForm CycLoop 2170 original series or equivalent or to the satisfaction of the Department of Building and Safety and DOT. Existing bicycle racks should be replaced with this model to assure visual consistency in the Studio City Area.

g. Benches are to be provided at bus stops and elsewhere as desired to the satisfaction of Department of Public Works, Street Services Division. In Studio City they are to be Landscape Forms Scarborough bench with horizontal straps, Model SC 3005-BS-72 or equivalent.

h. The bollards shall be TimberForm Metal Bollard Model 2190 or equivalent to the satisfaction of the Department of Building and Safety and DOT. If barrier chains are required in specific situations, Models 2193 and 2196 or equivalent may also be used to the satisfaction of the Department of Building and Safety and DOT.

i. Tree well covers shall be the Neenah R8707, 180 degree square, 5' x 5'. These offer a simpler pattern that works well with other Streetscape Plan elements.

j. The tree wells are to be a minimum of five (5) feet long parallel to the roadway and five (5) feet wide. Each well is to be lined with a continuous 12 inch deep "Deep Root" or equalinear root barrier. Irrigation is to be by means of bubblers in perforated pipes supplied by the adjacent site development. A gate valve is to be provided on the non-pressure line from the site development to isolate the bubblers in case of equipment breakage. A ground cover of decomposed granite, a minimum of 1 inch deep, is to be provided in the tree well. Soil amendments are normally unnecessary. Although if used, they should comprise no more than 25 percent of the backfill by volume and should not change soil texture of the tree pit. Any foreign material in the tree well, such as construction debris, is to be

removed by the installer. Fill soil is to match the site soil texture. Alternate groundcover for the tree wells can be proposed. They should be pre-approved by the Department of Public Works, Street Services Division and should have only permeable surfaces with a coefficient of run-off of less than or equal to 0.6.

k. Interlocking pavers in the Studio City District shall be red set in a herringbone pattern at a 45-degree angle to the street edge. An example of the red brick color and pattern can be found at 12345 Ventura Boulevard.

l. Curbs and gutters shall be poured in place concrete, with a natural concrete color and a smooth finish.

m. Concrete flatwork required by this Streetscape Plan is to be designed in conjunction with the story pavers, sidewalks and streetlights installed by the Bureau of Street Lighting. A concrete border along the building side of the sidewalks shall be poured as a stable edge for the sidewalk field concrete pavers. Expansion joints shall align with edges of story pavers and tree well covers. It shall provide consistent field width for the concrete pavers in any given block. For other areas, any surface material which drains effectively (with approximately a 1 percent minimum slope), is slip-resistant (equivalent to a medium salt finish, or a broom finish), and conforms to handicap accessibility criteria, shall be adequate. Colored concrete should contain integral color, rather than being stained, since integral color tends to achieve a more even color, and wears longer. Other flatwork in the streetscape may be proposed by the applicant. For instance, enhanced paving at building entrances can effectively relate the streetscape to site development. Historical examples can be found in the forecourts of movie theaters from the 1920's and 1930's. An example is the decorative terrazzo designs in the forecourt of “Bookstar” located at 12136 Ventura Boulevard in Studio City. The applicant shall demonstrate the handicap accessible and slip-resistant properties of proposed materials. Certain materials normally will not satisfy these criteria, e.g., ceramic tile, terrazzo, polished stone, or steel trowel finished concrete.

n. Sidewalks. Three (3) feet wide concrete strips perpendicular to the curb are to be poured with the new streetlights to be installed by the Bureau of Street Lighting centered in them. A score line/expansion joint shall be included to align with the 5' x 5' tree well cover edge five feet in from the curb. The base for these pavers shall be properly prepared for future stability and long-term use.

o. The rich history of Studio City and the Cahuenga Pass should be displayed in a series of "story pavers" describing bits of this area's history using images and/or words. Details, materials, and accents could change based upon the artists' ideas and, as needed, mark a special event or location. These pavers could initially appear as plain concrete strips running perpendicular to the buildings that line the Boulevard. They will be located in conjunction with the new streetlights that are to be installed by the Bureau of Street Lighting (approximately 120' on center along the Boulevard). These strips will function as dividers between sections of the field of precast concrete pavers. They could be sponsored and underwritten by interested patrons and the City of Los Angeles' One Per Cent for Art Program. They would be an opportunity to involve local artists and schools in their design. Under no circumstances should they be used for commercial advertising. However, a small bronze plaque (two inches by four inches [2" x 4"]

or less in size placed in one of the corners closest to the streetlight) may identify the sponsor or donor of the individual paver in plain Roman type. As designers and designs are approved by the Design Advisory Committee, community and Cultural Affairs Commission, these three-foot-wide strips, starting at the expansion joint five feet in from the curb (aligning with the tree well covers) and running into the concrete edge against the buildings, will be removed and replaced permanently with the artists' work. Each artist will have the opportunity to select the specific location for his or her work as sites are available. They should develop the design of a story paver taking into consideration the specific location and area. These pavers must comply with slip resistance, drainage and handicap accessibility requirements of the Department of Public Works.

21. **Specific Plan Covenant and Agreement.** A Covenant and Agreement shall be recorded with the Los Angeles County Recorder acknowledging the contents and limitations of the Ventura/Cahuenga Boulevard Corridor Specific Plan, as well as the conditions of approval established herein. The Covenant and Agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns and shall be submitted to the Department of City Planning for approval prior to being recorded. After recording, a copy bearing the County Recorder's number and date shall be provided to the Department of City Planning for attachment to the administrative file.

22. **Modifications.** Any modifications, change of use, or increase in floor area of the property shall be cause for separate discretionary review pursuant to the definition of a Project per the Specific Plan, and Section 11.5.7 of the LAMC and other applicable statutory requirements.

23. **Prior to the issuance of building permits, the Applicant shall demonstrate compliance with Public Resources Code Section 4290 and its implementing regulations in Title 14, Division 1.5, Chapter 7, Subdivision 2 (State Minimum Fire Safe Regulations) and Chapter 7 of the California Building Code.**

Project Review Conditions

24. **Mechanical and Rooftop Equipment Screening.** No mechanical or rooftop equipment shall be visible from Ventura Boulevard, Whitsett Avenue, and Valleyheart Drive, and shall be screened behind architectural elements.

25. **Lighting.** Lighting should be directed onto the site, and be adequately aimed at and shielded so as to not spill over onto adjacent properties, especially into areas planned and zoned for residential uses.

26. **Solar-Ready Buildings.** 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.

27. **Solar Power.** The project shall provide Photovoltaic Collectors for a Solar Hot Water System or photovoltaic provisions as required to comply with the 2019 California Energy Code for Solar Ready Buildings (Section 110.10) to be maintained for the life of the project.

28. **Solar and Electric Generator.** Generators used during the construction process shall be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

29. **Stormwater/Irrigation.** The project shall implement on-site stormwater infiltration as feasible based on the site soils conditions, the geotechnical recommendations, and the City of Los Angeles Department of Building and Safety Guidelines for Storm Water Infiltration. If on-site infiltration is deemed infeasible, the project shall analyze the potential for stormwater capture and reuse for irrigation purposes based on the City Low Impact Development (LID) guidelines.

30. **Trash Storage.** Trash storage and collections shall be enclosed and not visible from the public right-of-way. Trash collection shall occur within the enclosed area and shall not interfere with traffic on any public street.

31. **Maintenance.** The project site (including all trash storage areas, associated parking facilities, sidewalks, 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.

32. **Utility Connections.** New utility connections shall be undergrounded to the maximum extent feasible.

33. **Modifications.** Any modifications, change of use, or increase in floor area of the property shall be cause for separate discretionary review pursuant to the definition of a project per the Specific Plan, Section 13B.5.4 of Chapter 1A of the LAMC and other applicable statutory requirements.

Main Conditional Use Permit Conditions

34. **Main Conditional Use Permit (MCUP).** The approval authorizes a Main Conditional Use Permit for the sale of a full line of alcoholic beverages for on- and off-site consumption, in conjunction with the indoor and outdoor use and operation of eight (8) restaurant establishments.

35. **Main Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Main Plan Approval (MPA) determination pursuant to Section 13B.2.2.H of the Los Angeles Municipal Code Chapter 1A in order to implement and utilize the Main Conditional Use authorization granted. The purpose of the Main 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.

36. **MPA Public Hearing Requirement.** A public hearing for any Main Plan Approval (MPA) request may be waived at the discretion of the Chief Zoning Administrator.

37. 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, provided that the maximum (total) number of establishments authorized for alcoholic beverages is not exceeded, and subject to all other conditions.

38. The business operator shall maintain on the premises, and present upon requests to any law enforcement officer, a copy of the Business Permit, Insurance information, and a valid emergency contact phone number used by the business.

39. Hours of operation shall be limited from 6:00 a.m. to 2:00 a.m., daily.

40. **Good Neighbor Program.** A telephone number and an 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 cash registers.
    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.

41. Should there be a change in the ownership of the property/the establishment and/or the business operator, the property owner and the business owner/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 Condition Compliance Unit (CCU) 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 CCU within 30 days of the beginning day of his/her new operation of the establishment.

42. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Zoning Administrator may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation.

Additional Conditions

43. **Authorize the Bureau of Engineering (BOE), in coordination with the City Administrative Officer and any other relevant agencies, to accept a contribution in the amount of $375,000 from Studio City Sports Center, LLC (a California limited liability company) to support BOE's civil and traffic engineering and landscape design work for the following subset of additional scope elements for the LARiverWay Segment 8 Project:**

a. **The civil and landscape design of the existing section of LARiverWay west of Whitsett Avenue (to the western dead end of Valleyheart Drive South) in order to add connectivity to the Riverwalk development and through it to Ventura Boulevard; and**

b. **The civil and traffic engineering design and construction associated with implementing Left Turn phasing and associated improvements at the intersection of Whitsett Avenue/Moorpark Street.**

c. **The contribution of funds from Studio City Sports Center, LLC supporting BOE's work on these additional scope elements of the LARiverWay Segment 8 Project does not grant to Studio City Sports Center, LLC any engineering, traffic, and/or landscape design approval authority on said project.**

44. **Authorize the Bureau of Engineering (BOE) to deposit the aforementioned $375,000 in funding from Studio City Sports Center, LLC into a new account in the Engineering Special Services Fund No. 682, Department No. 50, entitled "LARiverWay Segment 8 – Additional Scope – Connectivity" for the support of BOE's civil and traffic engineering and landscape design work on the LARiverWay Segment 8 Project related to the following additional scope elements: the civil and landscape design of the existing section of LARiverWay west of Whitsett Avenue in order to add connectivity to the Riverwalk development and through it to Ventura Boulevard; and the civil and traffic engineering design and construction associated with implementing Left Turn phasing and associated improvements at the intersection of Whitsett Avenue/Moorpark Street.**

45. **Authorize the Los Angeles Department of Recreation and Parks, in coordination with the City Administrative Officer and any other relevant agencies, to take all necessary steps to accept and receive a contribution of $300,000 from Studio City Sports Center, LLC (a California limited liability company) for the purpose of funding operations and maintenance activities along the LA RiverWay and Los Angeles River frontage along the length of the Riverwalk project located at 12555 Ventura Boulevard.**

46. **Authorize the Los Angeles Department of Recreation and Parks to accept the aforementioned $300,000 and deposit these funds into Department of Recreation and Parks Fund No. 302, Dept. No. 89 (APPR No. TBD) for the operations and maintenance activities for the area along the LA RiverWay and Los Angeles River frontage along the length of the Riverwalk project located at 12555 Ventura Boulevard, and that the funds are administered/expended in accordance with applicable City policies, ordinances, fiscal controls, and any legally permissible restrictions associated with the contribution.**

47. **Require the Project to include up to twenty three (23) shade trees along the public right of way on Ventura Boulevard. The shade tree species and number may be revised upon review by the Department of Urban Forestry or Bureau of Street Services during the building permit plan check review.**

48. **No Certificate of Occupancy shall be issued for the project until the Applicant has fully satisfied all required monetary contributions and planted the required shade trees. The Applicant shall provide written documentation verifying that all such funds have been paid and received by the appropriate departments to the satisfaction of the City prior to issuance of the Certificate of Occupancy.**

Administrative Conditions

49. **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.

50. **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.

51. **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.

52. **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.

53. **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.

54. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

55. **Expiration**. In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.

56. **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 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 (b).

e. If the City determines it necessary to protect the City's interests, 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, commission, 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.