

CONDITIONS

(As Modified by the Central Los Angeles Area Planning Commission on February 26, 2018)

1. 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.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
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 the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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.
5. 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 the grant.
6. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing, in conjunction with a 3,516 square-foot theater including a 338 square-foot dance floor, featuring live entertainment, subject to the following limitations:
 - a. Indoor seating shall be limited to a maximum of 128 seats provided that number of seats does not exceed the maximum allowable occupancy as determined by the Department of Building and Safety.
 - b. The hours of operation for the theater shall be limited to 10:00 a.m. to 2:00 a.m., daily. Vendor deliveries shall be conducted between 10:00 a.m. to 5:00 p.m. There shall be no deliveries on Sundays. The theater shall remain closed on Jewish Holidays (Passover, Rosh Hashanah and Yom Kippur).
 - c. 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.

7. Public dancing on an approximately 338 square-foot dance floor as an alternative use to theater seating is permitted.
8. 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.
9. **Prior to the effectuation of this grant**, a building permit to change the use from art school to a theater shall be obtained from the Department of Building and Safety. The Department of City Planning shall review and approve the construction set of plans to ensure compliance with these conditions. The applicant shall provide a copy of the final approved plans to the Department of City Planning to be maintained in the Case File.
10. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
11. **The applicant shall file a Plan Approval application no sooner than 4 months but within 6 months from the beginning of operations.** The Plan Approval application shall be subject to filing fees established pursuant to the Los Angeles Municipal Code Section 19.01–E. A public hearing shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with, the express terms of the Conditions of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator

may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.

12. **MViP – Monitoring, Verification and Inspection Program. Prior to the effectuation of this grant**, fees required per Section 19.01-E,3 of the Los Angeles Municipal Code for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. Within 12 to 18 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/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.
13. 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) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
14. No additions to the approved site plan such as pool tables, coin-operated games, or video machines shall be permitted on the premises unless approved by the Department of City Planning.
15. **Prior to the utilization of this grant**, an electronic age verification device shall be purchased and retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
16. The applicant shall neither sublet nor rent out the premises to any outside promoters, or for any nightclub type of activity.
17. Patron queuing is prohibited.
18. Patron dancing is permitted with live entertainment only.

19. The applicant/operator shall obtain permits from the Los Angeles Police Department, Commission Investigation Division for Café Entertainment and Show, Live Entertainment and Dance Hall, 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.
20. Any use of the establishment 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.
21. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
22. **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 to the Department of City Planning for inclusion in the case file. Fees required per Section 19.01-E,3 of the Los Angeles Municipal Code 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.
23. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
24. 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. Signs shall be in English and in the predominant language of the facility's clientele.
25. The applicant shall be responsible for maintaining the area adjacent to premises over which they have control, free of litter.

26. The applicant shall be responsible for monitoring both patron and employee conduct on the premises within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
27. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries and trash removal.
28. The rear of the premises used for the load-in and load-out of gear and equipment will be limited to the hours of 10:00 a.m. to 5:00 p.m., daily. The load-in and load-out of equipment after 5:00 p.m. will be done from the front entrance only, and must be appropriately coordinated with the Applicant.
29. **Prior to the beginning of operations**, a camera surveillance system shall be installed by a State licensed contractor to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The tapes shall be furnished to the Los Angeles Police Department upon request. The plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the Department of City Planning and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
30. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
31. A security plan for the establishment shall be approved by the Los Angeles Police Department prior **to the beginning of operations**. The Applicant shall provide security both inside and outside the premises. Security provisions, shall be reviewed by the Police Department, Hollywood Vice and their recommendations submitted in writing shall be incorporated into the security plan for on and off-site security. A copy of the approved security plan shall be submitted to the Department of City Planning.
32. Private licensed security guards shall be provided. There shall be at least two (2) security guards on duty at any one shift during operating hours. There shall be four (4) additional security guards on duty during live entertainment and D.J. events. Security guard(s) will be provided at the front entry and the rear entry. Security personnel shall wear clothing or uniforms that are easily identifiable. The security guard(s) shall regularly patrol the area under the control of the establishment to prevent loitering or undesirable activity by persons around the premises. The security guards must be certified by the State Department Bureau of Consumer Affairs, Bureau and Security and Investigative Services. A copy of the security guards credentials and contract shall be to provide to the Department of City Planning for inclusion in the case file and to the Los Angeles Police Department upon request.

33. Security guards shall regularly patrol the area under the control of the establishment including the adjacent sidewalks, to prevent loitering and any other undesirable activities by persons around the premises. The security guards shall not impede, obstruct, or delay any law enforcement personnel conducting inspections or official business on the premises.
34. Security personnel shall maintain weekly patrol logs indicating any nuisance behaviors, criminal activities, and violations to these Conditions. The log shall contain the names of the guards, check-in and check-out times of the guards, and the dates, times, and places of occurrence and descriptions of the nuisance/criminal activities, law enforcement incidents, and other violations. The patrol log shall be provided upon request by the Los Angeles Police Department, the Department of City Planning, or any Federal, State, or City agency, and shall be included with subsequent applications for Plan Approval for inclusion in the case file.
35. **Prior to the beginning of operations**, 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 within 30 days of the beginning day of operation of the establishment. The statement shall read as follows,

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

36. **Prior to the beginning of operations**, 24-hour “hot line” shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be posted at the following locations:
- a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department. Complaints shall be responded to within twenty four hours. The applicant shall provide photographs of the sign postings and a copy of the log to the Department of City Planning for inclusion in the Case File.

37. Within the **first six months of the beginning of operations** at this establishment, all employees involved with the sale of a full line of alcoholic beverages shall enroll in the Los Angeles Police Department “Standardized Training for Alcohol Retailers” (STAR). Upon completion of such training, the applicant shall request the Police

Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2016-2548-CUB, from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.

38. Passenger loading shall be limited to passenger loading spaces along La Brea Avenue which shall also apply to any valet service. No other street parking shall be used by the valet service for passenger loading at any time.
39. 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 Department of City Planning for inclusion in the file.

The mitigation measure identified in the Environmental Clearance Case No. ENV 2016-2549-MND is included below as Condition No. 40

40. Prior to the issuance of building permits, the Applicant shall have the proposed plot plan/floor plan reviewed by the Los Angeles Police Department's community Relations Division located at 100 West 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000.

41. 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 (b).

- (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 (b).
- (v) 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.