

CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL

Pursuant to Section 12.32-G of the Municipal Code, the (T) Tentative Classification shall be removed by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

Dedication(s) and Improvement(s). Prior to the issuance of any building permits, the following fees, public improvements, and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department, and other responsible City, regional and federal government agencies, as may be necessary.

Responsibilities/Guarantees.

BUREAU OF ENGINEERING

1. The City Department of Transportation in a letter to City Engineer shall determine that the merger areas are not necessary for current and future Public Street.
2. The Department of the City Planning in a letter to the City Engineer also determine that the proposed merger areas are consistent with all applicable General Plan Elements of Highway and Circulation Elements for LA Mobility Plan.
3. In the event that Department of Transportation and Department of City Planning have no objections to the street mergers, then a 1.5-foot wide and variable width excess street right-of-way 33-foot measured from centerline of Oxford Avenue adjoining the tract excluding 20-foot radius property line cut-corner at the intersection with 8th Street Avenue be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code. In addition, the following conditions be executed by the applicant and administered by the City Engineer:
 - a. Consents shall be obtained to the street being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
 - b. Satisfactory arrangements shall be made with all public utility agencies maintaining existing facilities within the area being merged.
4. In the event that Department of Transportation and Department of City Planning have no objections to the street mergers then a 7-foot wide and variable width excess street right-of-way 43-foot measured from centerline of Western Avenue adjoining the tract excluding 20-foot radius property line cut-corner at the intersection with 8th Street Avenue be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
 - a. Consents shall be obtained to the street being merged and waivers of any damages that may accrue as a result of such mergers, be obtained from all property owners who might have certain rights in the area being merged.

- b. Satisfactory arrangements shall be made with all public utility agencies maintaining existing facilities within the area being merged.
5. Any surcharge fee in conjunction with the street merger requests shall be paid.
6. The subdivider shall make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
7. A set of drawings for airspace lots shall be submitted to the City Engineer showing the followings:
 - a. Plan view at different elevations.
 - b. Isometric views.
 - c. Elevation views.
 - d. Section cuts at all locations where air space lot boundaries change.
8. The owners of the property shall record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times. That any fee deficit under Work Order No. EXT00766 expediting this project be paid.
9. A Covenant and Agreement shall be recorded advising all future owners and builders that prior to issuance of a building permit, a Notice of Acknowledgment of Easement must be recorded and an application to do work in any public sanitary sewer and drainage easement and to construct over the existing sanitary sewer facilities must be submitted to the City Engineer.
10. Any questions regarding this report should be directed to Mr. Georgic Avanesian or Julia Li of the Land Development Section, located at 201 North Figueroa Street, Suite 200, or by calling (213) 202-3484.

DEPARTMENT OF TRANSPORTATION

11. The project may be subject to any recommendations from the Department of Transportation.

DEPARTMENT OF RECREATION AND PARKS

12. The Quimby fee shall be calculated based on the C2 Zone.

CONDITIONS OF APPROVAL

As modified by the City Planning Commission December 14, 2017

1. **Posting of Construction Activities.** A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.
2. **Construction-Related Parking.** Off-street parking shall be provided for all construction-related parking needs of the proposed project. No employees, contractors, subcontractors, or persons involved in the project construction shall be allowed to park on the surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owner's base of operations.
3. **Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering construction materials or construction-machinery shall be limited to the hours beginning at 7:00 a.m. and ending at 4:00 p.m., Monday through Friday. No truck deliveries for construction shall occur outside of that time period. No construction truck staging related to such deliveries to the project site shall occur on any adjacent streets.
4. **Maintenance.** The subject property (including any trash storage areas, associated parking facilities, sidewalks, driveways, yard areas, parkways, and exterior walls along the property lines) shall be maintained in an attractive condition and shall be kept free of trash and debris.
5. **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.
6. **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.
7. **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.
8. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
9. **Amenities.**
 - a. There shall be no live entertainment or amplified music permitted on the rooftop deck.
 - b. Access to the rooftop deck and pool shall be prohibited after midnight, daily.
 - c. A landscaped screen shall be provided along the rooftop deck, as shown on landscape plan of Exhibit A, dated December 4, 2017 and shall be a minimum of three feet six inches high.

10. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Central Project Planning Division, 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 Los Angeles Municipal Code or the project conditions.
11. **Residential Density.** The project shall be limited to a maximum density of 96 residential units including Density Bonus Units.
12. **Affordable Units.** A minimum of 4 units shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2), in order to qualify for the on-menu incentives proposed and granted. In addition to the affordable units pursuant to Density Bonus, the applicant is not required to provide any additional units affordable to Low or Very Low Income Households to comply with the Determination made by the HCIDLA for replacement units.
13. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22 A.25 (9a-d).
14. **Housing requirements:** Prior to the issuance of a building permit for any dwelling unit of the subject property, the applicant shall execute and record a rental covenant and agreement running with the land, to the satisfaction of the Housing and Community Investment Department ("HCID"). The covenant shall bind the applicant and/or any subsequent property owner to reserve 4 units of the proposed 96 units for occupancy by Very Low Income households for a period of 55 years. These units will be restricted as affordable rental dwelling units pursuant to California Government Code Section 65915 and Los Angeles Municipal Code 12.22 A 25. Applicant must provide an affordable unit dispersal proposal to be approved by HCID to ensure the affordable units are not segregated or otherwise distinguishable from market rate units.
15. **Automobile Parking for Residential Uses.** Based upon the number and/or type of dwelling units proposed, 112 residential parking spaces shall be provided for the project. Vehicle parking shall be provided consistent with LAMC Section 12.22 A.25, Parking Option 1, which permits one parking space for each Restricted Affordable Unit of 0-1 bedrooms; 2 parking spaces for each unit of 2-3 bedrooms; and two-and-one-half parking spaces for each residential unit with four or more bedrooms. The Bicycle Parking Ordinance, LAMC Section 12.21 A.4, allows affordable residential projects to reduce required vehicle parking by 30 percent or 33 parking spaces. The Project will reduce required vehicle parking by 15 percent or 16 parking spaces. Based upon the number and type of dwelling units proposed and the 16 automobile parking spaces reduced per the Bicycle Parking Ordinance, 96 residential parking spaces shall be provided.
16. **Adjustment of Parking.** In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety.

17. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21 A.16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces. Based upon the number of dwelling units and the permitted replacement of the required automobile parking with bicycle parking for residential buildings per LAMC 12.21 A.4, 96 long-term and 10 short-term bicycle parking spaces shall be provided onsite.
18. **Southerly Side Yard Setback.** The Project shall be allowed a minimum setback of 2 feet 6 inches on the ground, second and third floors as shown in Exhibit "A".

MASTER CONDITIONAL USE CONDITIONS OF APPROVAL

The master conditional use authorization granted herein for the sale or dispensing of alcoholic beverages for on-site consumption shall be limited to a total of six (6) licenses to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption for six restaurants operating 24 hours a day with the service of alcoholic beverages occurring pursuant to requirements of the Department of Alcoholic Beverage Control, upon the following additional terms and conditions:

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 and floor plan submitted with the application and marked Exhibit "A", dated December 4, 2017, 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 this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per L.A.M.C section 19.01 E(3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.

7. Approved herein is a Master Conditional Use Permit for six restaurants located in a 12-story mixed-use commercial/residential building with a total height of 160-feet, and a total of 58,343 square-feet of commercial floor area.
 - a. The sale or dispensing of a full-line of alcoholic beverages for on-site consumption for six restaurants operating 24 hours a day.
 - b. The sale and dispensing of a full-line of alcoholic beverages for on-site consumption for six restaurants with a combined floor area of 25,286 square-feet. Restaurant 1 will be approximately 2,315 square feet. Restaurant 2 will be approximately 1,887 square feet. Restaurant 3 will be approximately 4,163 square feet. Restaurant 4 will be approximately 1,551 square feet. Restaurant 5 will be approximately 2,991 square feet. Restaurant 6 will be approximately 4,859 square feet. The six restaurant establishments will total approximately 25,286 square feet.
 - c. A total of 596 seats indoors and 417 seats outdoors will be provided.
 - d. The operation of commercial uses including, but not limited to loading dock, trash compactor, elevator shaft and ancillary uses on C2 Zoned property shall be permitted between the hours of 7 a.m. to 6 p.m. Monday through Friday, and between the hours of 9 a.m. to 3 p.m. on Saturday and Sunday.
8. Individual Restaurants. Prior to the utilization of the authorizations for restaurant tenant spaces specified in Condition No. 7.b, above, the property owner or individual operator shall file a Plan Approval for review and approval by the Director of Planning pursuant to Section 12.24 M of the Los Angeles Municipal Code in order to implement and utilize the Conditional Use Permit authorized for each establishment. The Plan Approval application shall be accompanied by the payment of appropriate fees and must be accepted as complete by the Department of City Planning. Mailing labels shall be provided by the applicant for all abutting owners, the Council Office, the Neighborhood Council, and the Los Angeles Police Department. The purpose of the Plan Approval filing is to review each proposed venue in greater detail and tailor specific conditions for each premise including but not limited to hours of operation, seating capacity, size, security and/or any requirement for a subsequent Approval of Plans application to evaluate compliance and effectiveness of the conditions of approval. Conditions herein shall be incorporated into each Plan Approval unless in the opinion of the decision-maker the applicant has justified otherwise. Future operators may request beer and wine sales in lieu of a full line of alcoholic beverages when they file their Plan Approval.
9. Prior to the utilization of any grant pursuant to Condition No. 8, above, the applicant shall update Exhibit "A", and submit the update to the file for Case No. CPC-2016-3608-GPA-ZC-HD-DB-MCUP-CU-SPR, subject to the approval of the Director of Planning.
10. The applicant shall submit plans to the Fire Department for their review and approval prior to initiate condition clearance at the Planning Department Development Services Center.
11. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained. Such plan shall contain various trees and planting materials and automatic irrigation, prepared by a licensed landscape architect. Landscape plan shall be submitted to the Development Services Center for review and approval prior to the condition clearance of this determination and the issuance of the use of land permit by LADBS.

12. Prior to the utilization of this grant, a security plan for the establishment and any parking area serving the restaurant, shall be approved by the Los Angeles Police Department. The Applicant shall provide security measures both inside and outside the premises. Security provisions shall be reviewed by the Police Department Vice Unit 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.
13. One year after the beginning of operations, the Applicant shall meet with LAPD to review the effectiveness of the security plan, and may modify any of the measures stated therein as approved by LAPD, Central Area Vice. A copy of any modified security plan approved by LAPD shall be submitted to the Department of City Planning.
14. Prior to the utilization of this grant, a camera surveillance system shall be installed 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 90 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.
15. Within the first six months of utilizing this grant at this establishment, all employees involved with the sale of full line of alcohol 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. [CPC-2016-3608-GPA-ZC-HD-DB-MCUP-CU-SPR], 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.
16. Prior to the utilization of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
17. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70. No conditional use for dancing has been requested or approved herein. No live entertainment such as live music, Disc Jockey, or karaoke nights is permitted.
18. 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.
19. Consumption of alcoholic beverages in the parking areas is not authorized.
20. The business operator shall comply with Section 6404.5(b) of the Labor Code which prohibits smoking within any place of employment. There shall be no ashtrays or other receptacles used for the purpose of collecting ash or cigarette/cigar butts inside the premises.
21. 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.

22. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and 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.
23. 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. Photographic evidence shall be provided to the Condition Compliance Unit prior to effectuation of the grant.
24. Lighting shall be installed in all areas within the business, hallways, and parking areas. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
25. The exterior windows and glass doors of the restaurants 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 location by Police and/or private security.
26. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
27. All six restaurants shall be maintained as bona fide restaurants with full-service kitchens to be used for cooking and preparing of food. Food service shall be available at all times during operating hours.
28. Any use of the restaurants 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.
29. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
30. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
31. A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises of each authorized facility and venue at all times and be produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control investigators or by any other City Agency. All licenses, permits and conditions shall be posted in a conspicuous location at the individual establishments.
32. The applicant shall provide the Department of City Planning a copy of each license, suspension thereof, or citation issued by the State Department of Alcoholic Beverage Control or the Los Angeles Police Department upon such instance.

33. 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.
34. The applicant/operator shall identify a contact person and provide a 24-hour hot line telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that it is readily visible to any interested party. The hot line shall be posted at the entry and website of the premises; responded to within 24 hours of any complaints/inquiries received on this hot line; and the applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department and the Department of City Planning upon request.
35. 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 documentations.
36. Prior to the utilization of this grant, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Department of City Planning. The statement shall state,

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

37. 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.

38. The Director of Planning or 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 or abutting notification radius list, 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 review, the Director of Planning or Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing including consideration for nuisance abatement/revocation purposes.
39. Monitoring Verification and Inspection Program (MViP). Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01 E.3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. Within 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.