

CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on May 25, 2023)

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

A. Development Conditions

1. **Site Development.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A" dated April 22, 2021. Prior to the issuance of building permits, detailed development plans including a site plan illustrating elevations, facades, and architectural treatment, and a landscape/irrigation plan shall be submitted for review and approval by the Department of City Planning. The plans shall comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization. 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. **Developer's Incentives.**
 - a. Open Space.
 - i. The total required open space required pursuant to LAMC Section 12.21 G may be reduced by a maximum of twenty (20) percent provided that:
 - (1) The landscape plan shall indicate landscape points for the project equivalent to 10% more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines "O"; and
 - (2) Except as modified herein, the landscape plan shall comply with the applicable regulations of LAMC Section 12.21 G.
 - b. Rear Yard Setback.
 - i. A minimum 16-foot rear yard setback is required in lieu of the 20-foot rear yard setback otherwise required.
3. **Parking.**
 - a. Commercial vehicular parking shall be provided pursuant to LAMC Section 12.21 A.4.
 - b. The project shall provide unbundled parking leases for residential units. Residential tenants shall have the option to lease parking spaces separately from the residential dwelling units or commercial tenant space, or to opt out of leasing parking spaces.
 - c. 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.
4. **Sustainability.**
 - a. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

- b. Prior to the issuance of the Certificate of Occupancy for each building, the applicant shall install a minimum of 21,786 square feet of solar panels on the rooftop.
5. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view. The transformer, if located in the front yard, shall be screened with landscaping.
6. **Art Mural.** The project shall provide art murals on the ground floor façade of the south elevation along 8th Street, as shown on Sheet A3.01 of Exhibit “A” and an art mural on the west elevation along Hobart Boulevard, as shown on Sheet A3.02 of Exhibit “A.” Prior to the issuance of building permits, the project shall receive approval from the Department of Cultural Affairs for the proposed art murals. Any art mural installed on the building façade shall be in compliance with all applicable City regulations, pursuant to LAMC Section 14.4.20 and 22.119 of the Los Angeles Administrative Code, subject to the approval from the Department of Cultural Affairs.
7. **Pedestrian Oriented Landscaping.** As illustrated in Sheets A3.01 and A3.02 of Exhibit “A”, vertical landscaping screens shall be planted along the east, west, and north elevations as shown in Landscape Sheet LP-01. The Landscape Plan and final plans shall be revised to note all plant species for the vertical landscaping and submitted to Central Project Planning staff for substantial conformance review with “Exhibit A”. Species and location of the vines may be revised to the satisfaction of Central Project Planning staff. As illustrated in Sheets A2.02 and LP-01 of Exhibit “A”, pedestrian amenities along 8th Street, Hobart Boulevard and Harvard Boulevard shall be provided as landscape planters, trees, and outdoor seating.
8. **Pedestrian Corner.** An outdoor pedestrian area shall be located at the ground floor corner intersection of Harvard Boulevard and 8th Street and it shall be improved with art sculptures, planters, trees, and outdoor seating as shown in Sheet A2.02 and Landscape Sheet LP-01 of “Exhibit A”. The façades along Harvard Boulevard, Hobart Boulevard and 8th Street shall be consistent with “Exhibit A” and shall provide inset windows with landscape planters, as well as vertical landscaping. The Landscape Plan and final plans shall be revised to note all plant species for the vertical landscaping and submitted to Central Project Planning staff for substantial conformance review with “Exhibit A”.
9. **Construction.**
 - a. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall either be plug-in electric or solar powered.
 - b. Notwithstanding the provisions of LAMC Section 14.4.17, no signs shall be permitted on construction fencing except for those signs required by the Department of Building and Safety or other Department, Bureau, or Agency.
10. **Lighting.**
 - a. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
 - b. Pedestrian lights shall be installed within the public rights-of-way directly adjacent to the Project Site subject to the review, determination, and approval by the Bureau of Street Lighting that it is feasible to accommodate the pedestrian lights in addition to the required street lights. Pedestrian lights shall not be required if the Bureau of Street Lighting determines that the pedestrian lights would not be in compliance with the

minimum distance requirements from other infrastructure located within the public rights-of-way.

11. **Street Trees.**

Pre-Construction

12. Erect tree protection zone fencing as shown in the Arborist Report dated August 9, 2021.
 - i. No construction activity, heavy equipment access, or materials storage should take place within the tree protection zones during construction without the direct supervision and approval of a certified arborist.
 - ii. Fencing should be sturdy, in ground, at least four feet in height, and brightly colored.
13. After receiving approval from the City, remove the trees marked for removal.
14. Prune Tree 4 and Trees 6-12 for clearance over the work area. All pruning should be performed by a crew directly supervised by a Certified Arborist. Only the minimum amount of living foliage necessary to establish clearance over the work area should be removed.
15. Spray Trees 13-23 with a jet of water to wash off the accumulated spider webs and dust.

During Construction

16. Inform all construction personnel of the intention to preserve the trees. This includes contractors and their respective subcontractors as well.
17. If any changes are made to the plans resulting in any excavation or equipment access within the dripline of any protected tree, the project arborist should be informed. Additional protection measures may need to be discussed.
18. Throughout the construction period, a certified arborist should make periodic site visits to ensure the tree protection plan is being followed.
19. No construction activity should take place within the tree protection fencing. This includes construction worker access, materials storage, and equipment access.
20. If any tree is injured during construction, the project arborist should be informed within 24 hours so it may be evaluated and treated as soon as possible. All excavation within 5 feet of the drip line of any tree intended for preservation should be directly supervised by a Certified Arborist. If roots larger than 1 inch in diameter are encountered, the arborist should determine whether they may be retained or may be severed. Significant roots to be retained should be wrapped in foam before the new sidewalk concrete is poured.
21. The new sidewalk should be sloped to avoid cutting significant roots of the street trees.
22. If during any part of the construction phase there is a significant amount of particulates in the air (from cutting materials or any other activity), a shop vacuum or equivalent should be used during the cutting or other activity to reduce the amount of particulates that are deposited on the foliage. If despite a good faith effort to reduce particulates, a layer is still deposited on the foliage, wash it off with a jet of water at the end of each construction day where particulates are deposited.

23. During the painting phase, if spray-application of paint is used within proximity of any tree, cover the windward side of the trunk and scaffold branches of the tree with plastic at the beginning of each painting day to avoid paint drifting onto the tree. Remove the plastic at the end of each day to allow for air circulation.
24. Retain the tree protection zone fencing until construction activity has been completed or until the landscape installation phase begins. Even when landscapers are permitted near the trees, make sure they are aware of the intention to preserve the tree and the roots if any digging is performed for irrigation lines or plant installation.

Post-Construction Care

25. Retain the leaf drop around the root zone of the subject trees where practical. The best ground cover for a tree is its own leaf mulch. Leaf mulch will continue to reduce soil evaporation and mitigate soil temperature changes. If leaf drop is not practical for use, apply a layer of coarse mulch 2-4 inches thick around the base of the protected trees intended for preservation.
26. The subject trees may be monitored by a certified arborist for development of disease, decay, or other symptoms of stress due to construction activity. Deadwood may be removed as it appears, and as much live wood as possible should be retained on the trees, provided that it doesn't come into conflict with the infrastructure.

B. Conditional Use – Alcohol

27. **Main Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Main Plan Approval (MPA) determination pursuant to Section 12.24-M of the Los Angeles Municipal Code 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.
28. Notwithstanding approved "Exhibit A" and the Conditions above, this grant recognizes that there may be changes resulting from identified tenants, which may result in smaller or larger restaurants, different locations, and/or a reduced number of restaurants than those originally proposed and identified in "Exhibit A". Such outcome is permitted provided that the other conditions noted herein, specifically those related to the combined maximum interior floor areas, maximum interior and exterior seating numbers, maximum (total) number of establishments authorized under this grant, and the maximum number of establishments approved for each type of grant in the Conditions above are not exceeded. The sale and dispensing of beer and wine may be provided in lieu of a full line of alcoholic beverages at any of the establishments approved for a full line of alcoholic beverages (but not the reverse), provided that the maximum (total) number of establishments authorized for alcoholic beverages is not exceeded, and subject to all other conditions of this grant.
29. **Authorization.** Approved herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with three restaurants containing a combined total of 11,777 square feet.
30. **Hours of Operations.** The restaurants may operate between the hours of 7:00 a.m. to 11:00 p.m. daily.

31. There shall be no entertainment such as a piano bar, jukebox, dancing, live entertainment, movies, etc. There shall be no karaoke, disc jockey, male or female performers or fashion shows.
32. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Amplified recorded-music shall not be audible beyond the area under control of the applicant. Any violation of LAMC 116.01 for loud, unnecessary or unusual noise that is attributable to a sound or noise under the control of the applicant shall constitute a violation of these conditions of approval. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.
33. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting with or otherwise spending time with customers while in the premises, nor shall the licensee(s) provided, permit or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions or guests of any of the customers. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
34. There shall be no coin-operated game machines or video machines permitted on the premises at any time.
35. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
36. Within six months of the effective date of this action, all employees involved with the sale 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 from the Police Department to the Zoning Administrator who acted on this case as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.
37. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
38. The applicant/restaurant 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 is readily visible to any interested party. The hot line shall be:
 - a. Posted at the entry, and the cashier or customer service desk,
 - b. Provided to the immediate neighbors, schools, and the Neighborhood Council, and
 - c. Responded to within 24-hours of any complains/inquires received on this hotline.

39. 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 Zoning Administrator upon request.
40. The applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
41. The applicant shall not maintain or construct any type of enclosed room intended for use by patrons or customers for any purpose, except for the restrooms, within the restaurant.
42. Prior to the beginning of operations, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject of the email to include the case number, "CPC-2019-2567-GPAJ-VZCJ-HD-CUB-SPR/Operation Notification". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
43. 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 Condition Compliance Unit 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 alcohol for on-site consumption, in conjunction with the restaurant, known as [NAME OF VENUE], and agree to abide and comply with said conditions.

44. 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 has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit 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 Condition Compliance Unit within 30-days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation. This condition does not apply to a change of ownership to the overall development known at the time of this determination as The Parks in LA.
45. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01-E,3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and

results of said inspection will be documented and included in the administrative file.

- b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

C. Environmental Conditions

46. **Implementation.** The Mitigation Monitoring and Reporting Program (MMRP), attached as Exhibit "C.2" and part of the case file, shall be enforced throughout all phases of the project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measures (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
47. Prior to issuance of building permits, the applicant shall submit the Council Action and updated Letter of Determination confirming that the Sustainable Communities Environmental Assessment has been adopted by City Council as required per PRC 21155.
48. **Condition Monitor (Construction).** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant, the election of which is in the sole discretion of the Applicant), approved by the City of Los Angeles Department of City Planning which approval shall not be reasonably withheld, who shall be responsible for monitoring implementation of project design features and condition measures during construction activities consistent with the monitoring phase and frequency set forth in this CRP. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and condition measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to report to the Enforcement Agency any non-compliance with condition measures and project design features within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of written notification to the Applicant by the monitor or if the noncompliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.
49. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
 - (1) Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1202.

- (2) If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- (3) The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- (4) The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- (5) If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- (6) The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
- (7) Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

D. Administrative Conditions

50. **Approvals, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, reviews or approval, plans, etc, as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
51. **Code Compliance.** All area, height and use regulations of the zone classification of the subject property shall be complied with, except wherein these conditions explicitly allow otherwise.
52. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

53. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
54. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
55. **Building Plans.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
56. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

57. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.