

## **CONDITIONS OF APPROVAL**

(As modified by the City Planning Commission at its meeting on April 22, 2021)

Pursuant to Sections 12.24-W, 1, and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

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", 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. 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 ("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.
5. 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.

### **MAIN CONDITIONAL USE CONDITIONS**

6. Authorized herein is a Main Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a maximum of 10 bona-fide restaurants as depicted on approved Exhibit 'A' subject to the following limitations:
  - a. The maximum combined floor area authorized for on-site sales of alcoholic beverages shall not exceed 36,400 square feet. Outdoor patios shall be located on private property and patios directly adjoining the public right-of-way shall be equipped with a defined barrier separating the outdoor dining area from any abutting sidewalk. The barrier will be of such height, design and materials to preclude passersby from obtaining any beverage or food from restaurant tables and/or patrons.
  - b. Any portion of an outdoor patio that encroaches into the public right-of-way shall be subject to the issuance of a revocable permit by the Bureau of Engineering.
  - c. The hours of operation for all tenant spaces authorized for the sale of alcoholic beverages for on-site shall be limited to 11:00 a.m. to 2:00 a.m., daily.

- d. 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. **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 off 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. Unless otherwise stipulated by the conditions of this grant, 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. A public hearing for any Main Plan Approval (MPA) request may be waived at the discretion of the Chief Zoning Administrator.
8. Notwithstanding approved Exhibit A, this grant recognizes that there may be changes resulting from identified tenants, which may result in smaller or larger venues than those identified in Exhibit A, different locations, and/or in a reduced number of venues than those originally proposed. Such outcome is permitted provided that the other conditions noted herein, specifically those related to the combined maximum interior and patio floor areas, maximum interior and patio seating, maximum number of venues approved are not exceeded. Also, beer and wine sales may be provided in lieu of a full line of alcoholic beverages at any of the venues approved for a full line of alcoholic beverages.
9. The premises authorized for the on-site sale of alcoholic beverages shall be maintained as bona fide sit-down restaurants with a kitchen to be used for cooking and preparing of food as defined by Section 91.0403 of the Los Angeles Municipal Code, and shall provide a menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. Any take-out service is only incidental to the primary sit-down use.
10. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety, unless otherwise granted herein.
11. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
12. 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.
13. 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.
14. 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.
15. **Private Events.** 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.

16. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
17. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
  - 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.
18. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
19. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
20. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
21. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
22. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
23. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
24. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise

regulation, 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.

25. Entertainment in conjunction with each restaurant is limited to background ambient music to complement the dining experience. Independent, professional or amateur disc jockeys are not allowed. Live entertainment limited to acoustical instruments and to a maximum of four musicians may be requested and considered by individual Main Plan Approval applications within the interior of the premises only.
26. There shall be no live entertainment, or amplified sound system in the outdoor areas except for downward or inward facing speakers playing background music. This restriction to apply to all individual tenants and shall be included in any subsequent Plan Approval applications.
27. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site and no floodlighting shall be located so as to be seen directly by person on adjacent premises.
28. 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.
29. No smoking of tobacco products including cigarettes, cigars, hookah or water pipes either inside the location or on any outdoor patios is permitted.
30. There shall be no deliveries conducted after 9:00 p.m. or before 7:00 a.m. daily.

#### **SITE PLAN REVIEW CONDITIONS**

31. **Driveways.** The two (2) driveways along Shatto Place shall be reduced to the minimum required widths in conformance with LAMC Section 12.21-A,5(f), unless otherwise required by the Department of Transportation.
32. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
33. **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.
34. **Maintenance.** The subject property (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.
35. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way, nor from above.

36. **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.
37. **Solar Panels.** Solar panels shall be installed on the project's rooftop space to be connected to the building's electrical or water heating system. A minimum 15% of the total new roof area shall be reserved for the installation of solar panels or a solar photovoltaic system, to be installed prior to the issuance of a certificate of occupancy, in substantial conformance with the plans stamped "Exhibit A".

### **SUSTAINABLE COMMUNITY ENVIRONMENTAL ASSESSMENT CONDITIONS**

#### **38. Project Design Features.**

- a. Outdoor lighting related to the Modified Project shall be designed and installed with shielding from adjacent residential properties, the public right-of-way, and from above.
- b. Construction equipment operating at the Project Site shall be subject to a number of requirements. These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. Construction measures would include, but are not limited to the following:
  - Prior to the issuance of a grading or building permit for each phase, an inventory of off-road heavy-duty construction equipment for that phase of construction, equal to or greater than 50 horsepower that will be used an aggregate of 40 or more hours, shall be provided to the Department of Building and Safety and the Department of City Planning. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification or model year specification and California Air Resources Board or South Coast Air Quality Management District operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.
  - Off-road diesel-powered equipment within the construction inventory shall meet the Tier 4 final off-road emissions standards within the Los Angeles region. Such equipment shall be outfitted with Best Available Control Technology (BACT) devices including a California Air Resources Board certified Level 3 Diesel Particulate Filter or equivalent;
  - All cranes and welders shall be electric-powered;
  - Forklifts shall be natural gas-powered;
  - The Project shall utilize low-VOC coatings where commercially available during construction activities to avoid excessive VOC emissions; and
  - Trucks and other vehicles in loading and unloading queues shall be parked with engines off to reduce vehicle emissions during construction activities.
- c. The Project will not include fireplaces, except within up to 30 dwelling units.
- d. To ensure the retention and appropriate treatment and rehabilitation of all the identified character-defining features of the former church building, that would be retained as part of the Modified Project, a preservation architect or preservation professional would be

retained to monitor the appropriate treatment and rehabilitation of the former church building during construction.

e. Greenhouse Gas Emissions.

- The Project shall use energy efficient appliances;
- The Project shall use low-flow plumbing fixtures;
- The Project shall install 175 long-term and 25 short term bicycle parking spaces;
- The Project shall utilize drought-tolerant plants in its landscaping;
- The Project shall install pre-wiring for EV charging spaces for 30 percent of its parking capacity for future use and;
- Of the 30 percent EV parking spaces, 10 percent of the Project's parking capacity will include installed chargers for immediate use by electric vehicles (EV).

f. In lieu of a dewatering and vent piping system, to attenuate methane risks, the Modified Project shall include design components, such as sloping to the bottom of the mat slab one percent and an active methane detection system tied into the mechanical system. These features, along with a waterproofing/methane membrane, would allow potential methane and vapor to move outside the building limits and eliminate any methane impact. The structural mat slab and subterranean walls would be designed hydrostatically. As part of the alternative design components, LADBS would be consulted as part of the design process of the Modified Project to ensure risks associated with methane would be minimized.

g. The Project shall limit construction and demolition to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturdays or holidays (City observed).

h. The Project will not require or allow the use of impact pile drivers.

i. The Project will not allow any delivery truck idling for more than 5 consecutive minutes in the loading area pursuant to State regulation (Title 13 California Code of Regulations, Section 2485). Signs will be posted in delivery loading areas specifying this idling restriction.

j. The Project will not require or allow operation of any amplified sound system in the outdoor areas except for downward or inward facing speakers playing background music that will be confined to the outside ground-level dining patio areas in the central plaza and along West 6<sup>th</sup> Street and the amenity decks on levels 3 and 40.

k. The service entryway along 6<sup>th</sup> Street would be limited to right-turn in/out access.

**39. Project Specific Mitigation Measures.**

l. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.

- m. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at 213-847-3077. All trees in the public right-of-way shall be provided at a 2 to 1 ratio per the standards of the Urban Forestry Division, Bureau of Street Services, Department of Public Works.
- n. The Project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
- Proposed Project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
  - If Project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall:
    - Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
    - If a protected native bird is found, the Applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31.
    - Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
    - The Applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.
- o. Prior to the issuance of a demolition permit, the Applicant shall retain a qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (qualified Archaeologist) to oversee an archaeological monitor who shall be present during construction activities on the Project Site such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project. The activities to be monitored shall also include off-site improvements in the vicinity of the Project Site that involve ground disturbance, such as utility, sidewalk, or road improvements which would encounter soils that could potentially contain archaeological resources down to a depth of 5-feet. The monitor shall have the

authority to direct the pace of construction equipment in areas of higher sensitivity. The frequency of monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the qualified Archaeologist. Prior to commencement of excavation activities, an Archaeological Sensitivity Training shall be given for construction personnel. The training session, shall be carried out by the qualified Archaeologist, will focus on how to identify archaeological resources that may be encountered during earthmoving activities, and the procedures to be followed in such an event.

- p. In the event that historic (e.g., bottles, foundations, refuse dumps/privies, railroads, etc.) or prehistoric (e.g., hearths, burials, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A 25-foot buffer shall be established by the qualified Archaeologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by the qualified Archaeologist. If a resource is determined by the qualified Archaeologist to constitute a “historical resource” pursuant to State CEQA Guidelines Section 15064.5(a) or a “unique archaeological resource” pursuant to PRC Section 21083.2(g), the qualified Archaeologist shall coordinate with the Applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. If any prehistoric archaeological sites are encountered within the project area, consultation with interested Native American parties will be conducted to apprise them of any such findings and solicit any comments they may have regarding appropriate treatment and disposition of the resources. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment under CEQA. If in coordination with the City, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the qualified Archaeologist in coordination with the City and may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.
- q. Prior to the release of the grading bond, the qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of archaeological monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. The report and the Site Forms shall be submitted by the Project Applicant to the City, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the development and required mitigation measures.
- r. *Retention of a Qualified Paleontologist.* A qualified paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards (SVP, 2010) (Qualified Paleontologist) shall be retained prior to the approval of demolition or grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of excavation and grading during construction, recovery of fossil materials, and reporting as related to paleontological resources, shall attend the Project kick-off meeting and Project progress meetings on a



regular basis, and shall report to the site in the event potential paleontological resources are encountered.

*Construction Worker Paleontological Resources Sensitivity Training.* The Qualified Paleontologist shall conduct construction worker paleontological resources sensitivity training prior to the start of ground disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources likely to be encountered within the Project Site and the procedures to be followed if they are found.

*Paleontological Resources Monitoring and Plan.* Prepare a Paleontological Resource Management Plan (PRMP) to guide the salvage, documentation and repository of representative samples of unique paleontological resources encountered during construction. If unique paleontological resources are encountered during excavation or blasting, use the qualified paleontologist to oversee the implementation of the PRMP. Full-time paleontological resources monitoring shall be conducted for all ground-disturbing activities that exceed 5 feet in depth. Full-time monitoring can be reduced to part-time inspections or ceased entirely if determined adequate by the Qualified Paleontologist. Paleontological resources monitoring shall be performed by a qualified paleontological monitor (meeting the standards of the SVP) under the direction of the Qualified Paleontologist. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens. Any significant fossils collected during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries. The Qualified Paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort.

If construction or other Project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 25-foot radius of the discovery until the Qualified Paleontologist has assessed the discovery and made recommendations as to the appropriate treatment. If the find is deemed significant, it shall be salvaged following the standards of the SVP (SVP, 2010) and curated with a certified repository.

- s. A Site Specific Soil Mitigation Plan (SMP) will be prepared that will provide guidance to contractors for appropriate handling, screening, and management of potentially impacted or impacted soils that may be encountered at the Project Site during grading and excavation activities. These procedures will include training for construction personnel on the appropriate procedures for identification of suspected impacted soils; requirements for testing and collection of potentially contaminated soils; segregation of potentially impacted soils; and applicable soil handling and disposal procedures.

The SMP will also include procedures for handling and transportation of soils with respect to nearby sensitive receptors, such as nearby residential uses and schools. In accordance with SCAQMD Rule 1166 requirements, impacted soil removed from the Project Site must comply with the following:

- Be transported to an approved treatment/disposal facility.
- When loading into trucks is completed, and during transportation, no excavated material will extend above the sides or rear of the truck or trailer.

- Prior to covering/tarpping, loaded impacted soil must be wetted by spraying with dust inhibitors.
  - The trucks or trailers must be completely covered/tarped prior to leaving the Project Site to prevent particulate emissions to the atmosphere.
  - The exterior of the trucks (including the tires) must be cleaned off prior to the trucks leaving the excavation location and leaving the disposal site before returning to the Project Site.
- t. A Groundwater Management Plan (GWMP) will be prepared that includes training and protocol procedures to contractors for avoiding contact with groundwater during excavation and construction of the Project and appropriate disposal protocols of contaminated groundwater. The GWMP will include a requirement for development and implementation of a safety plan to be prepared prior to commencement of construction consistent with Occupational Safety and Health Administration (OSHA) Safety and Health Standards 29 CFR 1910.120 as well as management of groundwater produced through temporary dewatering activities. The safety plan will include necessary training, operating and emergency response procedures, and reporting requirements to regulate all activities that bring workers in contact with potentially contaminated groundwater. In the unlikely event that groundwater contamination occurs, the GWMP will include remedial efforts that may include batch extraction of groundwater using an on-site dewatering system or application of a chemical amendment, such as oxygen or hydrogen source depending on the type of contamination impact. Groundwater attenuation features may include the following: waterproofing the entire subgrade area; use of waterproofing that is compatible with constituents of concern; and sealing of electrical conduits, piping, etc. to close off preferential pathways.
- u. All concrete cuts and utility penetrations into the building pad(s) or concrete slab(s) that underlie the former church building that may occur during the remodeling/repurposing of the existing school building will be sealed via a vapor-barrier type wrap to add an additional measure of protection against potential vapor intrusion. An environmental professional would be on-site to monitor the sealing process. A pathway assessment/visual monitoring of the sealing of penetration shall be conducted after construction.
- v. The Project shall implement construction noise reduction strategies to reduce noise levels from construction affecting the noise-sensitive residential receptors located to the east of the Project Site, with a performance standard of achieving a construction noise level of less than 66 dBA  $L_{eq}$  at the noise-sensitive residential receptors adjacent to the east of the Project Site and the university and church use directly to the north of the Project Site. The noise reduction strategies shall include one or a combination of the following to achieve the performance standard.
- Use construction equipment, fixed or mobile, that individually generates less noise than presumed in the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM). Examples of such equipment are medium, compact, small, or mini model versions of backhoes, cranes, excavators, loaders, or tractors; or newer model equipment; or other applicable equipment that are equipped with reduced noise-generating engines. Construction equipment noise levels shall be documented based on manufacturer's specifications. The construction contractor shall keep construction equipment noise level documentation on-site for the duration of Project construction.

- Noise-generating equipment operated at the Project Site shall be equipped with California industry standard noise control devices to effectively reduce noise levels, i.e., mufflers, lagging, and/or motor enclosures. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated. The reduction in noise level from noise shielding and muffling devices shall be documented based on manufacturer's specifications. The construction contractor shall keep noise shielding and muffling device documentation on-site and documentation demonstrating that the equipment has been maintained in accordance with the manufacturers' specifications on-site for the duration of Project construction.
- Construction and demolition activities shall be scheduled so as to minimize or avoid operating multiple heavy pieces of equipment such as a large dozer, concrete saw, and excavator, simultaneously at the perimeter of the Project Site along the eastern boundary of the Project Site.
- The Project shall provide temporary minimum 8-foot-tall construction noise barriers along property lines facing adjacent off-site residential buildings to the east and northeast and off-site university and church use adjacent to the north. The temporary barriers shall at a minimum remain in place during early Project construction phases (up to the start of framing) when the use of heavy equipment is prevalent. Standard construction protective fencing with green screen or pedestrian barricades for protective walkways shall be installed along property lines facing streets or commercial buildings. All temporary barriers, fences, and walls shall have gate access as needed for construction activities, deliveries, and site access by construction personnel. The Applicant shall ensure through appropriate postings and frequent visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings and of uniform paint color or graphic treatment) throughout the construction period. The construction management company's name and telephone number(s) shall be posted at a least one location along each street frontage that borders the Project Site.
- The Project shall stage noise-generating construction equipment as far away from the noise-sensitive receptors adjacent to the east of the Project Site as practicable; minimize the number of noise-generating construction equipment in simultaneous use; and/or provide other noise-reducing techniques.

The effectiveness of the noise reduction strategies to achieve the performance standard shall be documented by on-site noise monitoring conducted by a qualified acoustical analyst using a Type 1 instrument in accordance with the American National Standards Institute (ANSI) S1.4. Noise monitoring shall be conducted during early Project construction phases when the use of heavy equipment is prevalent.

- w. The Applicant shall designate a construction relations officer to serve as a liaison with surrounding residents and property owners who is responsible for responding to any concerns regarding construction. The liaison's telephone number(s) shall be prominently displayed at the Project Site. Signs shall also be posted at the Project Site that include permitted construction days and hours. In addition, no less than 30 days prior to the start of construction, the Applicant shall also meet with the principal, or other designated representatives, of Young Oak Kim Academy, including the LAUSD's Transportation Branch to discuss Project construction dates, the Construction Management Plan, and

provide information regarding the construction relations officer who would serve as the liaison to the community.

- x. Due to potential noise impacts on the schools, no construction vehicles or haul trucks shall be staged or idled on W. 6<sup>th</sup> Street between Vermont Avenue and Shatto Place and on Shatto Place between W. 6<sup>th</sup> Street and Wilshire Boulevard during school hours.
- y. The Project shall install a sound enclosure or equivalent noise attenuation measures for the Project's operational emergency generators that shall provide a minimum noise reduction of 15 dBA. The generator would generate noise levels of approximately 81 dBA ( $L_{eq}$ ) at 25 feet with the noise attenuation measures. At Plan Check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.
- z. The Project shall implement construction vibration reduction strategies to reduce vibration levels from construction affecting vibration-sensitive receptors on the Project Site, to the east of the Project Site, and adjacent to the north of the Project Site, with a performance standard of achieving a construction vibration level of less than 0.5 inches per second PPV at the face of the on-site former church building, less than 0.3 inches per second PPV at the face of the 500 Shatto Place building, 3109 West 6<sup>th</sup> Street building and the 523 South Westmoreland Avenue building, and 72 VdB or less at occupied vibration-sensitive residential receptors adjacent to the east of the Project Site. Vibration reduction strategies shall include one or a combination of the following to achieve the performance standards.
  - Use construction equipment, fixed or mobile, that individually generates less vibration than presumed in the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual. Examples of such equipment are medium, compact, small, or mini model versions of bulldozers, drills, or trucks; or newer model equipment with lower vibration levels; or other applicable equipment that are equipped with reduced vibration-generating engines. Construction equipment vibration levels shall be documented based on manufacturer's specifications or other equipment or testing documentation. The construction contractor shall keep construction equipment vibration level documentation on-site for the duration of Project construction.
  - Prior to obtaining a building permit, the effectiveness of the vibration reduction strategies to achieve the performance standard shall be documented in a vibration study conducted by a qualified acoustical/vibration engineer based on detailed Project plans for Plan Check.
- aa. Prior to construction, the Applicant shall retain the services of a qualified acoustical/vibration engineer to review the proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the on-site former church building, the 500 Shatto Place building, the 3109 West 6<sup>th</sup> Street building, and the 523 South Westmoreland Avenue building.
  - The Applicant and qualified acoustical/vibration engineer shall conduct a pre-construction survey that visually identifies the existing conditions of the on-site former church building, the 500 Shatto Place building, the 3109 West 6<sup>th</sup> Street building, and the 523 South Westmoreland Avenue building.

- During construction, the contractor shall install and maintain at least one continuously operational automated vibrational monitors on the on-site former church building, the 500 Shatto Place building, the 3109 West 6<sup>th</sup> Street building, and the 523 South Westmoreland Avenue building. The monitors shall be capable of being programmed with two predetermined vibratory velocities levels:
    - On-site former church building: a first-level alarm equivalent to a 0.48 inches per second PPV at the face of the on-site former church building and a regulatory alarm level equivalent to 0.5 inches per second PPV at the face of the on-site former church building.
    - 500 Shatto Place building, 3109 West 6<sup>th</sup> Street building and the 523 South Westmoreland Avenue building: a first-level alarm equivalent to a 0.28 inches per second PPV at the face of the 500 Shatto Place building, the 3109 West 6<sup>th</sup> Street building and the 523 South Westmoreland Avenue building and a regulatory alarm level equivalent to 0.3 inches per second PPV at the face of the 500 Shatto Place building, the 3109 West 6<sup>th</sup> Street building and the 523 South Westmoreland Avenue building.
  - The monitoring system shall produce real-time specific alarms (for example, via text message and/or email to on-site personnel) when velocities exceed either of the predetermined levels. In the event of a first-level alarm, feasible steps to reduce vibratory levels shall be undertaken, including but not limited to halting/staggering concurrent activities and utilizing lower-vibratory techniques. In the event of an exceedance of the threshold level, the contractor shall review the construction work in the vicinity and investigate construction methods that would reduce vibration levels in the vicinity. If it is determined that the construction work is causing an exceedance of the vibration threshold level, the contractor shall also visually inspect the on-site former church building, the 500 Shatto Place building, the 3109 West 6<sup>th</sup> Street building, and the 523 South Westmoreland Avenue building for damage. Results of the inspection shall be logged. In the event damage occurs to finish materials due to construction vibration, such materials shall be repaired in consultation with a qualified preservation consultant, and if warranted, in a manner that meets the Secretary of the Interior's Standards.
- bb. Prior to the issuance of grading permits, the Applicant will provide a shoring plan prepared by a qualified structural engineer who meets the relevant Secretary of the Interior's Professional Standards, for review and approval by the City of Los Angeles. The shoring plan will ensure the protection of the on-site former church building on the Project Site, as well as the potential historic resources adjacent to the Project Site at 3109 West 6<sup>th</sup> Street and 523 South Westmoreland Avenue, during construction.
- cc. A construction fence shall be constructed around the Project Site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.
- dd. The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W.

1<sup>st</sup> Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

- ee. Prior to the occupancy of the Project, the Applicant shall provide the Olympic Area Commanding Officer with a diagram of each portion of the property, including access routes, and additional information to facilitate potential LAPD responses.
- ff. The Applicant shall prepare a detailed Construction Management Plan that shall include, but not be limited to, the following elements, as appropriate:
  - Requiring workers and construction trucks to generally travel outside of the peak hours;
  - Prohibition of construction worker parking on nearby residential streets;
  - Temporary traffic control during all construction activities encroaching on public rights-of-way to improve traffic flow and safety on public roadways;
  - Scheduling of construction activities to reduce the effect on traffic flow on surrounding arterial streets;
  - Funding to Young Oak Kim Academy to provide an adequate number of crossing guards on school days to assist the safe movement of pedestrians/students at the intersection of 6<sup>th</sup> Street/Shatto Place when the sidewalks may be closed near Shatto Place and 6<sup>th</sup> Street for the Project's related construction.
  - Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers as appropriate;
  - Scheduling of construction-related deliveries so as to generally occur outside the commuter peak hours; and
  - Installation of appropriate traffic signs around the Project Site to ensure pedestrian, bicycle, and vehicle safety.
- gg. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any of the streets adjacent to the school.
- hh. LADBS shall assign specific haul route hours of operation based upon Young Oak Kim Academy's hours of operation.
- ii. Haul route scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks shall not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.
- jj. The Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times. Temporary pedestrian facilities shall be adjacent to the Project Site and provide safe, accessible routes that replicate as nearly as practical the most desirable

characteristics of the existing facility. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects. Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

### **ADMINISTRATIVE CONDITIONS**

40. **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 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations 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.
41. 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 floor plan, seating arrangement or number of seats of the new operation.
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 will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained. 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 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.
43. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & 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 & 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.

44. **Covenant.** 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.
45. **Notations on Plans.** Plans submitted to the Department of Building & 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.
46. **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.
47. **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.
48. **Department of Building & 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 & 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 & 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.
49. **Department of Water and Power.** Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, 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.
50. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
51. **Expedited Processing Section Fee.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.



**52. 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.