

## CONDITIONS OF APPROVAL

(As modified by the City Planning Commission at its meeting on July 28, 2022)

Pursuant to Sections 12.22-A,25, 12.24, and 16.05 of the Los Angeles Municipal Code (LAMC), the following conditions are hereby imposed upon the use of the subject property:

### A. Development Conditions

#### Conditional Use/Density Bonus

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans, submitted by the applicant, stamped "Exhibit A," and attached to the subject case file.
2. **Residential Density.** The project shall be limited to a maximum density of 166 dwelling units, including the on-site restricted affordable units.
3. **On-Site Restricted Affordable Units.**
  - a. A minimum of 18 percent of the base density (110 units) or 14 percent of the total number of units (166 units), whichever is greater, shall be reserved for Very Low Income Households, as defined by the State Density Bonus Law per Government Code Section 65915(c)(2).
  - b. **Changes in Restricted Units.** Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,25.
4. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 18 percent of the base density (110 units) or 14 percent of the total number of units (166 units), whichever is greater available to Very Low Income Households, for sale or rental as determined to be affordable to such Households by HCIDLA for a period of 55 years. In the event the applicant reduces the proposed density of the project, the number of required reserved on-site Restricted Units may be adjusted, consistent with LAMC Section 12.22-A,25, to the satisfaction of HCIDLA. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant shall present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination for more information.
5. **Incentives.**
  - a. **Floor Area Ratio.** The project shall be permitted a maximum FAR of 3.75 to 1.
  - b. **Residential Parking.** The project shall be permitted to provide 0.5 automobile parking spaces per dwelling unit.
  - c. **Height.** The project shall be permitted a maximum building height of 67 feet.
6. **Waiver of Development Standards.**

- a. **Stories.** The project shall be permitted a maximum of six (6) stories.
- b. **Side Yard Setback.** The project shall be permitted a five-foot easterly side yard setback.
- c. **Open Space.** The project shall be permitted to provide 13,294 square feet of open space. The landscaping shall be sufficient to qualify for the number of landscape points equivalent to 10% more than otherwise required by LAMC Section 12.40 and Landscape Ordinance Guidelines "O".
- d. **Rooftop Structures and Equipment.** The project shall be permitted those rooftop structures and equipment found in LAMC Section 12.21.1-B,3 to exceed the maximum allowable building height (Condition No. 5.c) by up to 20 feet.

## 7. **Parking.**

- a. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.
- b. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC Section 12.21-A,16.

## **Main Conditional Use**

8. Authorized herein is the sale and dispensing of alcoholic beverages for on- and off-site consumption, in conjunction with five (5) establishments with a maximum of 13,000 square feet. The grant shall be subject to the following limitations:
  - a. The hours of operation shall be limited to 7:00 a.m. to 2:00 a.m. daily.
9. **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. 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.
10. **MPA Public Hearing Requirement.** A public hearing for any Main Plan Approval (MPA) request may be waived at the discretion of the Chief Zoning Administrator.
11. 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.

12. After hour use shall be prohibited, 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.
13. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
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. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
16. **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.
17. 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 property owners, and businesses.

### **Site Plan Review**

18. **Pedestrian Safety.** The applicant shall submit a revised Site Plan and Landscape Plan showing bollards or other barriers to prevent automobiles from driving through the southern end of the pedestrian paseo.
19. **Taix Signage, Interior and Exterior:**
  - a. Existing Taix Restaurant signage (specifically, the red and white east-facing Taix billboard sign along Reservoir Street and the vertical red and white ‘Cocktails’ sign along Sunset Boulevard) shall be removed and reinstalled substantially in accordance with the Project plans dated October 1, 2020 attached to Council File 22-0297;
  - b. The interior and exterior of the Taix restaurant premises identified on Sheet A-1.1 of the Project plans dated October 1, 2020 attached to Council File 22-0297 shall be improved for restaurant use substantially in accord with the Conceptual Plans (including signage, fixtures, and treatments) attached as Appendix E to the Historical Resource Technical Report by GPA Consulting dated January 2022 attached Council File 22-0297; and

- c. The existing Taix French Restaurant cherry wood bar top shall be removed and reinstalled substantially in accord with the Conceptual Plans for the Taix restaurant premises attached as Appendix E to the Historical Resource Technical Report by GPA Consulting dated January 2022 attached to Council File 22-0297.
20. **Taix Restaurant Right to Return.** The Taix Restaurant returns to the project site and is reopened within 12 months from the date of the issuance of the certificate of occupancy.
21. **Solar.** The project shall comply with LAMC Sections 99.04.211 and 99.05.211, to the satisfaction of the Department of Building and Safety.
22. **Electric Vehicle Parking.** All vehicular parking shall provide electric vehicle charging spaces and electric vehicle charging stations in compliance with the regulations outlined in LAMC Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC.
23. **Landscaping:**
  - a. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the Department of City Planning.
  - b. All planters containing trees shall have a minimum depth of 48 inches (48”).
24. **Construction Generators.** The project construction contractor shall use on-site electrical sources and solar generators to power equipment rather than diesel generators, where feasible.
25. **Materials.** A variety of high quality exterior building materials, consistent with Exhibit A, shall be used. The variety of materials used shall include at least the following: cement plaster finish, aluminum store front system, exterior cladding. Substitutes of an equal quality shall be permitted, to the satisfaction of the Department of City Planning.
26. **Mechanical Equipment.** All mechanical equipment on the roof shall be screened from view by any abutting properties. The transformer, if located in the front yard, shall be screened with landscaping and/or materials consistent with the building façade on all exposed sides (those not adjacent to a building wall).
27. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
28. **Graffiti.** 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.
29. **Trash.** Trash receptacles shall be stored within a fully enclosed portion of the building at all times. Trash/recycling containers shall be locked when not in use and shall not be placed in or block access to required parking.

## **B. Environment Conditions**

30. **Energy and Water Efficiency.** The project shall be designed to be 15 percent more energy efficient than required by Chapter 6 of Title 24 of the California Code of Regulations and to achieve 25 percent less water usage than the average household use in the region.
31. **Historic Resources.**
- a. Prior to the development of final construction plans, the applicant shall ensure a historic preservation professional meeting the qualifications for architectural history or historic architecture outlined in Title 36 of the Code of Federal Regulations, Part 61 has reviewed and confirmed:
    - o The three physical features (billboard, cocktails sign, and cherry wood bar) are clearly and properly identified on the demolition plans;
    - o The demolition plans include detailed notes for careful removal and protection of the three physical features.
    - o The construction plans include detailed drawings for reinstallation of the features in a manner that would not damage or destroy them or put them at risk of damage in the future.
  - b. The applicant shall identify an appropriate climate-controlled and locked storage location for the three physical features (billboard, cocktails sign, and cherry wood bar) during construction that will prevent damage, vandalism, or theft. The applicant shall also identify an appropriate method to safely transport the features to this location. The location and transportation information shall be provided to a historic preservation professional meeting the qualifications for architectural history or historic architecture outlined in Title 36 of the Code of Federal Regulations, Part 61 to review and confirm.
  - c. The applicant shall conduct a training for the construction team to ensure all workers that will be on the site are aware of the physical features, their significance, and their need for protection.
  - d. Prior to the commencement of demolition of the buildings on the site, the applicant shall retain a qualified contractor or practitioner experienced with historic buildings and historic building elements to carefully remove the three physical features (billboard, cocktails sign, and cherry wood bar) from their existing locations prior to construction of the proposed project.
  - e. Following the completion of the proposed construction, the applicant shall retain a qualified contractor or practitioner experienced with historic buildings and historic building elements to install the three physical features (billboard, cocktails sign, and cherry wood bar) in their proposed new locations in a manner that does not damage or destroy the features or put them at risk of damage in the future.
32. **Hazards and Hazardous Materials.** A Soil Management Plan (SMP) shall be prepared that addresses the management of the lead impacted soil, the potential segregation of "landfill cover" soil from "unrestricted use soil," and management of any potentially impacted soil that might be encountered during excavation. The SMP would assess the lateral and vertical extent of lead in soil at boring B5. Based on the soil vapor data, a vapor mitigation (in accordance with LAMC and EPA requirements for vapor intrusion into indoor air spaces) may be required underneath the restaurant building when it becomes accessible. These procedures would 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 proper removal and disposal procedures.

**33. Transportation (Transportation Demand Management (TDM) Strategies).**

- a. Reduce the project parking supply from the City Municipal Code requirement of 300 parking spaces (per Municipal Code Section 12.21.A4) to 220 parking spaces, and
- b. Integrate unbundled parking as part of the development, thereby separating the cost of renting a residential dwelling unit from the cost to rent a parking space.

**C. Administrative Conditions**

31. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
32. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
33. **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.
34. **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.
35. **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.
36. **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.
37. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral

of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

38. **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.
39. **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.
40. **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.
41. **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.
42. **Expedited Processing Section.** 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.
43. **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 in paragraph (b).
  - 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.