

CONDITIONS OF APPROVAL

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 plans submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.
7. **Coastal Development Permit.** Approved herein is:
 - a. **Dual Permit Jurisdiction Area.** The project is located within the Dual Permit Jurisdiction area of the California Coastal Zone. The applicant shall file an application for a second (or "dual") coastal development permit with the Coastal Commission. Prior to the issuance of any permits, the Applicant shall submit proof of a valid ("dual") permit issued by the Coastal Commission.
 - b. **Residential Use.** The project shall be limited to a maximum density of one (1) new single-family dwelling and one (1) new Accessory Dwelling Unit (ADU), for a total of two (2) dwelling units on the subject property.

- c. **Commercial Use.** The existing historic café shall be limited to 736 square feet.
- d. **Height.** The existing historic café shall maintain the building height of 12 feet 10 inches, and the proposed two-story single-family dwelling and attached ADU shall be limited to a building height of 21 feet as measured from the average existing natural grade for the new attached structures, as shown in Exhibit “A”.
- e. **Roof Deck.** Railings used on the proposed roof deck shall not exceed 36 inches and be of an open design per San Pedro Specific Plan Section 5.B.5, as shown in Exhibit “A”.
- f. **Parking and Access.** As shown in “Exhibit A”, a minimum of three (3) covered parking spaces shall be provided for residential use. Final approval of the number and location of parking is subject to review and approval by the Department of Building and Safety.
- g. **Single-Family Zones Regulations.** Prior to the issuance of a grading or building permit, the applicant shall demonstrate compliance with Ordinance 184,802 including but not limited to:
 - i. The project shall provide an encroachment plane, a 45° angled plane above a height of 20 feet that the house cannot intersect.
 - ii. Side wall more than 45 feet in length and 14 feet in height require articulation.
 - iii. Roof decks are required to be set back at least 3 feet from the minimum side yard.
 - iv. Driveways are limited to width to 25% of lot width (but not less than 9 feet) or the width of the existing driveway.
- h. **San Pedro Specific Plan.** Prior to the issuance of a grading or building permit, the Department of Building and Safety shall determine that a project complies with the regulations of the San Pedro Specific Plan pursuant to Ordinance No. 166,352, including but not limited to:
 - i. Building or Structure for residential use shall be limited to two stories or a height of 26 feet as measured from the average existing natural grade to the highest point of the roof or parapet wall of the building, whichever is higher per San Pedro Specific Plan Section 5. B.1.
 - ii. Roof deck railings that do not exceed 36 inches and are of an open design.
- i. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.

- j. Prior to the commencement of site construction activities, construction schedule and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the project site. The contact information shall include a construction manager and a phone number and shall be posted on the site in a manner, which is readily visible to any interested party.
8. **Zone Variance.** Authorized herein is the sale and dispensing of beer and wine for on-site consumption, in conjunction with an existing 736 square-foot non-conforming historic café and an uncovered outdoor patio in the public right-of-way. The grant shall be subject to the following limitations:
- a. The hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. daily.
 - b. Indoor seating shall be limited to a maximum of 27 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - c. Outdoor seating shall be limited to a maximum of 46 seats. The final number of seats and their location may be modified by the Department of Building and Safety in order to provide accessibility and required clearances from existing structures.
 - d. Outdoor seating in the public right-of-way shall be limited to a maximum of 16 seats. A Revocable Permit from the Bureau of Engineering, Department of Public Works is required for the outdoor dining located in the public right-of-way. The final number of seats and their location may be modified by said agency in order to provide accessibility and required clearances from existing structures. A copy of the approved Revocable Permit, including a plot plan and any conditions thereto, shall be provided to the Department of City Planning prior to placing any seating in the public right of way as permitted by this grant.
9. 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.
10. The establishment shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
11. 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.

12. Game machines, pool tables, or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
13. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
14. 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.
15. The security plan must be reviewed and approved by the Police Department. The approved security plan will be maintained by the Department of City Planning and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
16. 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 without being disruptive to persons on adjacent properties.
17. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.
18. **Good Neighbor Program.** 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 reception area.

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.

19. **STAR/LEAD/RBS Training.** Within six months of the date of this determination and within six months of hire, all personnel acting in the capacity of a manager of the premise and all personnel who serve alcoholic beverages shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. Upon completion of the training, the applicant shall provide evidence to the Zoning Administrator that such training was provided.

20. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under the control of the applicant to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
21. Loitering is prohibited on or around these premises and the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
22. 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, the conditions imposed by the Department of Alcoholic Beverage Control (ABC), and the conditional use granted herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activities on the subject premises and in any exterior area, including accessory parking areas, over which the building owner exercises control, in an effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism, and truancy occur.
23. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, the Department of Building and Safety, the Department of City Planning, or other responsible agencies. The on-site Manager and employees shall be knowledgeable of the conditions herein.
24. The applicant shall provide the Zoning Administrator a copy of each license suspension thereof, or citation issued by the Los Angeles Police Department or State Department of Alcoholic Beverage Control upon such issuance.
25. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris and litter.
26. 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.
27. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.

28. The applicant(s) 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. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.
30. 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.
31. **Private Events.** Any use of the restaurant 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.
32. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility that restrict, limit or obstruct the clear observation of the occupants.
33. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
34. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
35. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, performers or fashion shows.
36. There shall be no speakers or amplified sound permitted in the outdoor dining area.

37. No employee or agent shall be permitted to accept money or any other item of value from a customer for the purpose of sitting or otherwise spending time with the customers while on the premises. No patrons shall be made available to act as escorts, companions, or guests of customers. Employees shall not be allowed to solicit or accept any alcoholic or non-alcoholic beverage from any customers in the premises.

Administrative Conditions

38. **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 Clearance - ZA shall be paid to the City.
- a. Within 24 months from the effective date of this grant, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. A second inspection will take place within 36 months of the first inspection. 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.
39. 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 their 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.
40. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval. The application, in association with the appropriate fees, shall be submitted to

the Development Services Center, Department of City Planning, within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add, or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.

41. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon their initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
42. **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.
43. **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.
44. **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.

45. **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.
46. **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.
47. **Condition Compliance.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
48. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

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

- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. 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 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.