

This page is part of your document - DO NOT DISCARD



20180956133



Pages:  
0017

Recorded/Filed in Official Records  
Recorder's Office, Los Angeles County,  
California

09/18/18 AT 11:47AM

FEES:	65.00
TAXES:	0.00
OTHER:	0.00
<hr/>	
PAID:	65.00



LEADSHEET



201809183290009

00015741459



009349945

SEQ:  
01

DAR - Counter (Upfront Scan)



THIS FORM IS NOT TO BE DUPLICATED



This Page For Notary's Use

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

CIVIL CODE ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )
County of Los Angeles )

On September 17, 2018 before me, Yanira E. Lima Ramirez, A Notary Public
Here Insert Name and Title of the Officer

Personally appeared Vake Akpolut
Name(s) of Signer(s)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above



LISA M. WEBBER  
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
HENRY CHU  
THEODORE L. IRVING  
ALETA D. JAMES  
FRANKLIN N. QUON  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
CITY PLANNING

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

<http://planning.lacity.org>

Exhibit A

August 30, 2018

Shay Yadin (A)  
MCP 612 Broadway  
5850 West 3<sup>rd</sup> Street, Suite 19  
Los Angeles, CA 90036

Vahe Akpulat (O)  
17911 Lake Vista Drive  
Encino, CA 91316

Elizabeth Peterson (R)  
Elizabeth Peterson Group, Inc.  
400 South Main Street, Suite 808  
Los Angeles, CA 90013

CASE NO. ZA 2018-906-CUB-CUX-ZV-CDO  
CONDITIONAL USE, VARIANCE, COMMUNITY  
DESIGN OVERLAY  
612 – 616 South Broadway  
Central City Planning Area  
Zone : [Q]C5-4D-CDO-SN  
D. M. : 129A211  
C. D. : 14  
CEQA : ENV-2018-907-CE  
Legal Description: Lot B, Victor Dol Property  
Tract

Pursuant to Los Angeles Municipal Code Section 12.24-W,1, I hereby APPROVE:

a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant as part of a 7<sup>th</sup> floor addition and rooftop bar/lounge on the 8<sup>th</sup> floor high rooftop bar with rooftop dining expansion and outdoor roof within an existing building;

Pursuant to Los Angeles Municipal Code Section 12.24-W,18, I hereby APPROVE:

a Conditional Use Permit to allow live entertainment and public dancing, in conjunction with a rooftop bar/lounge within an existing building in the C2-1-CDO Zone;

Pursuant to Los Angeles Municipal Code Section 12.27, I hereby APPROVE:

a zone variance from L.A.M.C. Section 12.14-A,1 to permit the use public dancing and live entertainment within an unenclosed rooftop dining area in the C5 Zone;

Pursuant to Los Angeles Municipal Code Section 12.27, I hereby APPROVE:

a zone variance to deviate from Ordinance No. 164,307 to permit a floor area ratio of 6.85:1 in lieu of the 6.0:1;

10/13  
[Signature]

- c. The eighth floor/roof shall be permitted a total 361 seats (77 indoor and 284 outdoor);
  - d. Hours of operation for the restaurant shall not exceed 6 a.m. to 2 a.m., daily;
  - e. Live entertainment and dancing on the 8<sup>th</sup> floor/roof shall be limited to 11 a.m. to 2 a.m., daily, except for the unenclosed portion of the rooftop, where hours of live entertainment and patron dancing shall be from 11 a.m. to 11 p.m., daily. Live entertainment in the 7<sup>th</sup> floor restaurant shall be permitted until 11 a.m. to 2 a.m., daily.
  - f. Patron dancing shall be permitted and limited to 7<sup>th</sup> floor restaurant and 8<sup>th</sup> floor restaurant and rooftop deck as shown on Exhibit A.
  - g. Zero parking spaces shall be required for the 6,200 square-foot expansion of floor area as the result of the creation of a rooftop dining area.
7. 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.
  8. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Amplified recorded-music shall not be audible beyond the area under control of the applicant, and any sound or noise emitted that is under the control of the petitioner shall constitute a violation of Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.
  9. The establishment shall not be operated where an admission is charged at the door or other manner similar to a nightclub or afterhours establishment. Petitioner(s) shall not require an admission charge or cover charge to the general public. Additionally, any advertisement of an admission charge or cover charge is prohibited.
  10. The facility shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the facility for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public. The applicant shall not sublet the premises to outside "promoters" for nightclub or concert activity.

3/2/13  
[Signature]



19. There shall be no Adult Entertainment of any type pursuant to L.A.M.C. Section 12.70.
20. There shall be no coin-operated game machines or video machines permitted on the premises at any time.
21. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
22. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator who acted on this case as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment.
23. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
24. 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 restaurant.
25. Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premises at each point-of-sale location. These device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages or tobacco products.
26. The applicant/restaurant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
  - posted at the entry, and the cashier or customer service desk,
  - provided to the immediate neighbors, schools and the Neighborhood Council, and

5/2/17  
[Signature]



35. Trash/recycling containers shall be locked when not in use.
36. Petitioner(s) shall install and maintain security cameras and a three-week DVR that covers all common areas of the business, high-risk areas, entrances and exits. The DVRs shall be made available to the Los Angeles Police Department upon request.
37. No pay phone may be maintained on the exterior of the premises.
38. 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.
39. Prior to the beginning of operations, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to [planning.ccu@lacity.org](mailto:planning.ccu@lacity.org), with the subject of the email to include the case number, "**ZA-2018-906-CUB-CUX-ZV-CDO/Operation Notification**". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
40. Prior to the beginning of operations, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows,

*We, the undersigned, have read and understand the conditions of approval to allow the sale and/or dispensing of a full line of alcoholic beverages, in conjunction with the restaurant located at 612-616 South Broadway, and agree to abide and comply with said conditions.*

41. 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, or If at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, shall be submitted to the Department of Planning, Condition Compliance Unit 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,

7 of 13  
[Handwritten signature]



- grilles, the storefront system and soffit, the entrance doors, the bulkhead, and any non-historic deteriorated storefront frames, trims, and moldings shall be removed as shown on Sheet 100 of Exhibit A.
- iii. The existing Fire Department connections that are located on the northerly end of the storefront shall remain in place as shown on Sheet 3 of Exhibit A.
  - iv. The new storefront shall include new midnight fossil honed limestone tiles on the storefront façade as shown on Sheet 700, Note ST-1 of Exhibit A.
  - v. The new storefront door and window system shall be made of a light bronze metal framing system as shown on Sheet 800, Notes N4 and MTL-1 of Exhibit A.
  - vi. The new storefront shall include a crema ella honed stone soffit at the top of the storefront as shown on Sheet 800, Notes N9 and ST-2 of Exhibit A.
  - vii. The new storefront shall include a midnight fossil honed limestone tile on the storefront walls as shown on Sheets 700 and 800, Note ST-1 of Exhibit A.
  - viii. The bulkhead shall have a minimum height of 12 inches from the existing sidewalk grade and shall consist of a crema ella honed stone as shown on Sheets 700 and 800, Notes N6 and ST-2 of Exhibit A.
  - ix. The storefront shall not be used for storage. If drop ceilings are installed, they shall not be visible from the street and should not hide original architectural features.
  - x. A minimum of 70 percent of the storefront abutting Broadway shall consist of doors and transparent windows. Interior walls, display areas, storage areas, and any other non-transparent items shall not block views into the storefront.

**b. Windows.**

- i. All windows and the exterior glass doors on the ground floor of the proposed storefront shall be comprised of non-tinted, non-reflective, clear glass, which is free of temporary signage and/or other types of materials that may obstruct visibility. The glazing on the storefront doors and windows shall not be painted or mirrored.
- ii. For new ground floor windows and glass doors, the applicant shall use low-E glazing for ultraviolet light control and clear mylar shall be used to protect against graffiti.
- iii. The Applicant shall install the Solarban 60 Starphire/Starphire Clear Glazing glass on the proposed storefront doors and windows as specified on Sheet 700, Note GL-1 of Exhibit A. The new storefront door and window glass shall allow for a minimum of 74-percent visible light transmission on the ground floor with a visible light reflectance of no more than 11-percent.
- iv. The existing windows on the upper story façade shall be repaired or restored and the wood window frames shall be painted in the old boot color as shown on Sheets 300 and 800, Note PT-1 of Exhibit A.

7/13  
[Signature]



- i. The new surface mounted Light-Emitting Diode (LED) lights in white shall provide uplighting on the upper façade of the building highlighting eaves, cornices, columns, and architectural elements and shall be mounted on appropriate floor ledges/cornices with the specified lighting fixtures referenced by number F100B as shown on Sheets 300 and 802 of Exhibit A.
  - ii. The architectural canopy that is located above the ground floor level, and on the building façade that fronts Broadway, shall have new LED lights in white mounted on the top surface of the canopy. The new light fixtures referenced by number F100A shall provide uplighting on the columns and architectural features that are located on the second level façade and above as shown on Sheets 300 and 802 of Exhibit A.
- e. **Awnings.**
  - i. The existing architectural canopy that is located on the storefront shall remain in place and shall be restored with a light bronze metal material on the exterior of the awning as shown on Sheets 300 and 800, Note MTL-1 of Exhibit A.
  - ii. No items shall be permitted to hang from the canopy.
  - iii. No trellis structures are permitted to be affixed above entryways and storefronts.
- f. **Graffiti Resistance.** To the greatest extent possible, the materials used on the ground floor, such as windows and walls, shall be treated so as to be graffiti resistant.
- g. **Utilities, Mechanical and Building Equipment.** No mechanical equipment, such as air conditioner units, window vents, fans, etc., shall project beyond any window opening facing public streets. All proposed mechanical equipment on the roof such as HVAC, satellite dishes, exhaust fans, solar panels, etc., shall be screened from the view on Broadway and any public street to the greatest extent possible. Any other equipment, such as rain gutters, spouts, electrical conduits, etc., shall also be screened to the greatest extent possible, painted to match building colors if necessary. New mechanical equipment and/or new distribution systems shall be installed in a manner that does not interfere with any character defining features of the building. Window vents, fans, air conditioning units, or any other equipment installed into a window shall not project beyond any window on any façade and their number shall be minimized. The Applicant shall screen all ground-level mechanical equipment, including HVAC equipment, exhaust fans and satellite dishes from public view.
- h. **Ceilings.** Interior dropped ceilings may be installed, but shall not be visible from the street level.
- i. **Security Grille.** The approval of this application does not constitute approval of a security grille. If the Applicant decides to incorporate a security grille they shall return to the Department of City Planning, Central Project Planning Division for approval prior to the issuance of any permits for the grille.

11/2/13  




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.

13/13  
13