

FINDINGS

(As Amended by the Central Area Planning Commission at its meeting on December 12, 2023)

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject establishment, as originally filed, was for a proposed 11,120 square-foot restaurant/ brewpub/banquet hall with live entertainment. After the public hearing, the applicant stated in a letter dated August 30, 2022, that they revised the project to remove the brewpub and banquet hall components along with live entertainment. Hours of operation were stated revised by the applicant to be FROM 6:00 a.m. to 2:00 a.m., daily, TO 6:30 a.m. to 11:00 p.m., Monday through Thursday, and 6:30 a.m. to 1:00 a.m., Friday through Sunday.

At the December 12, 2023 Central Los Angeles Area Planning Commission (APC or Commission) meeting, the applicant/appellant presented a modified project involving the subject restaurant with proposed sale and dispensing of alcohol to be further reduced in size and scale. The restaurant would total 9,988 square feet with 186 indoor seats and 44 outdoor seats. The APC considered the reduction in square feet and in the hours proposed, including the reduction of the number of patron seats to 150 seats prior to 5:00 p.m. The Commission further reduced the hours of operation to Monday through Thursday: 11:30 a.m. to 11:00 p.m.; Friday: 11:30 a.m. to 1:00 a.m.; Saturday: 10:00 a.m. to 1:00 a.m.; and Sunday: 10:00 a.m. to 11:00 p.m.

The Commission found that the project would be beneficial to the community since alcohol sales and service would be ancillary to food sales in conjunction with a neighborhood serving restaurant. Alcohol would only be for on-site consumption. It would allow for patrons to have the option to purchase alcohol to complement their meals. With the hours of operation, it would allow the restaurant to offer its patrons a weekend brunch with the option of alcohol. In addition, the project would contribute to the number of viable dining options in the area. In addition, off-site consumption is not part of the project operations.

The modifications and the conditions imposed in conjunction with this conditional use would address the concerns of residents and abutting uses, including the elementary school, to ensure it would be compatible with the area. Such conditions address nuisances, promote responsible operations and service of alcohol through training, and require safety and security. The Commission required two security guards be present during all hours of operation. In addition, the applicant would be required to file a Plan Approval within three years of operating with a alcohol license issued by the State Department of Alcohol Beverage Control. These conditions would allow the restaurant to operate in a compatible manner. Therefore, the project would provide a service that would enhance the built environment and enhance a proposed neighborhood serving

use.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The project was revised from the originally filed application and will be reducing the intensity, as approved Commission. At the December 12, 2023 APC meeting, the Commission approved a 9,988 square-foot restaurant, where 7,916 square feet would be the interior portion of the restaurant, and 1,226 square-foot for the outdoor patio. Brunch and lunch seating would total a 150 maximum seating capacity, and dinner seating of a total of 230 maximum seats. The applicant submitted final plans ("Exhibit A") showing less seating than what was granted by the APC. "Exhibit A" shows 137 indoor seats, where 93 seats would be inside the restaurant and 44 within the patio. The granted seating for lunch time would not be exceeded. Dinner seating shown on "Exhibit A" totals 221 seats with 177 inside the restaurant and 44 on the patio. Dinner seating does not exceed what was granted by the Commission.

The restaurant will operate from Monday through Thursday: 11:30 a.m. to 11:00 p.m.; Friday: 11:30 a.m. to 1:00 a.m.; Saturday: 10:00 a.m. to 1:00 a.m.; and Sunday: 10:00 a.m. to 11:00 p.m. The hours of operation will be compatible with the adjacent uses. The restaurant will have a lower intensity by limiting the number of seats to its patrons prior to 5:00 p.m. In addition, the approved plans show barriers that would segregate the eating space from the portion of the patio that will be open to patrons of the coffee shop/bakery. According to the applicant, this portion will also be used by residents of the development entering the building from Santa Monica Boulevard. There would be no live entertainment, and the restaurant will not operate as a brewhouse and pub as originally filed. The project will have a lower intensity and operate strictly as a restaurant.

The project will include the presence of two security guards during all business operations. Also, there will be one security guard for the entire development patrolling the premises through all hours of the day and night. In addition, the applicant will be required to file a Plan Approval within three years of operating with an ABC alcohol license for review and to allow for the Zoning Administrator to hear back from the stakeholders of the area regarding any concerns of the operation. The grant includes several conditions that will ensure compatibility with surrounding uses. These conditions address the potential for nuisances such as noise, litter, graffiti, and loitering. The grant ensures the mode and character of the operation will remain a restaurant. In addition, conditions that require training for the sales and service of alcohol as well as safety and security measures are included as part of this grant. With these conditions that address the concerns of the Commission and the issues raised by the stakeholders of the area, the project

is conditioned to ensure it will not adversely affect or further degrade adjacent properties and the surrounding neighborhood.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of code requirements of Los Angeles Municipal Code. In addition to the General Plan elements, specific plans provide an additional layer of regulation. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject site is located within the Hollywood Community Plan, which designates the property for Highway Oriented Commercial land uses with corresponding C1, C2, P, RAS3, RAS4 Zones. The property is zoned C2 and is thus consistent with the land use designation for the site.

The Community Plan text is silent with regards to the sale of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following objectives of the Hollywood Community Plan:

- Objective 1: To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.
- Objective 4: To promote economic well-being and public convenience through:
 - a. Allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

The project fulfills the intent of the Hollywood Community Plan provisions regarding encouraging uses which strengthen the economic well-being and promote development of Hollywood as a major center of population, employment, retail service and entertainment. The grant will increase longevity of the neighborhood serving restaurant, which in turn will continue to support the vibrancy of the commercial corridor along Santa Monica Boulevard. The project as revised, would serve residents, employees, and visitors and has been sensitive to the issues raised by the public. The restaurant will provide visitors, neighboring residents, and the local workforce with a convenient dining option located nearby

entertainment attractions. The sale of alcoholic beverages will augment the desirability of the subject establishment and will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy.

The project was revised to address issues of the immediate area and compatibility with surrounding uses. Hours have been conditioned to ensure there are no conflicts with the neighboring elementary school and with any residential uses near the site. The number of seating will be reduced until 5:00 p.m. Conditions of the grant deter public nuisances, including those stated by the Los Angeles Police Department and the residents and stakeholders of this area. The project provides a presence in this part of the neighborhood where there have been issues of public defecation, urination, homeless activity and public drunkenness. Security presence will deter these activities and will allow the subject neighborhood serving restaurant to operate in a compatible manner. Also, there will be no off-site sales of alcohol, and the operation's intensity has been significantly reduced from what was originally proposed. The applicant has stated they have recently worked to address other issues such as the transformer and rooftop shower (see public hearing testimony), and would be required to continue to work with their neighbors to ensure compatibility with surrounding uses.

Moreover, the project does not propose any physical expansion to the building in which the restaurant will occupy. The project's physical layout and operations allow for the sale and dispensing of alcoholic beverages for on-site consumption. Given the numerous conditions of approval, the proposed project can be deemed to be in harmony with the General Plan.

4. The proposed use will not adversely affect the welfare of the pertinent community.

The proposed restaurant is a use allowed in the C2 Zone. The project will not physically alter the subject building's location, size, or height. Appropriate operational conditions imposed on the project will help to ensure that the alcohol service, in conjunction with the restaurant will not adversely affect the neighborhood, including surrounding residences and businesses.

Negative impacts commonly associated with the sale of alcoholic beverages, include criminal activity, public drunkenness, and loitering, and can be mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees would undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program or the Department of Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) Program. In addition, the State Department of Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to.

The Commission determined that with the modified project that a reduced intensity and the set of conditions imposed on the project would not adversely affect the welfare of the pertinent community. The project would not include any off-site sales of alcohol, and the conditions would be sensitive to the abutting school and surrounding area. The Commission required two security guards during all hours of operation of the restaurant to address the presence and operation of the school. The Commission also required the applicant file a Plan Approval within three years of operating with an ABC alcohol license. In addition, the conditions ensure the mode and character remain, and this will not be a brewhouse, night club or karaoke establishment. No live entertainment has been granted. Surveillance and security will be required. Nuisances will be addressed, and the applicant will be required to comply with the City's Noise Ordinance. Employees will be required to undergo alcohol sales training. In addition, the Zoning Administrator will allow for documented evidence to be submitted in consideration of whether to require the filing of a Plan Approval application to review compliance of the conditions of this grant, as set forth in the Conditions of Approval. This condition is in addition to a mandatory three-year plan approval that was imposed by the Commission. Conditions may be added or modified. Any continued issues that cannot be resolved may eventually lead to revocation in accordance to the procedures of the Code. Thus, the proposed use will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including full line of alcoholic beverages, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, four on-site and two off-site consumption licenses are allocated to the subject Census Tract Number 1911.20, based on a population of 3,801. There are currently 2 active licenses within this census tract: 0 active on-site licenses; and 2 active off-site licenses.

Within 600 feet of the subject site, there are currently three establishments that have an ABC license:

Alcohol Establishment	License Type	Address
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El Nuevo San Salvador Establishment	On-site, beer and wine	5230 Santa Monica Boulevard
Jon's Market	Off-site, full-line	5311 Santa Monica Boulevard
Villalobos Market	Off-site, beer and wine	5244 Santa Monica Boulevard

Between 600 and 1,000 feet of the subject site, there are currently two establishments that have an ABC license:

Alcohol Establishment	License Type	Address
Day 'N Nite Mini Market	Off-site, beer and wine	5101 Santa Monica Boulevard
J&J Grocery & Liquor	Off-site, full-line	5100 Santa Monica Boulevard

According to statistics provided by the Los Angeles Police Department's Hollywood Division Vice Unit, within Crime Reporting District No. 669, which has jurisdiction over the subject property, a total of 181 crimes were reported in 2021 (65 Part I and 116 Part II crimes), compared to the Citywide Average of 149 crimes and the High Crime Reporting District Average of 179 crimes. Part II Crimes reported include (3) Narcotics, (1) Liquor Laws, (1) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (1) Gambling, (10) DUI related, and (11) other offenses. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years. The above statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the citywide average, however, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate. The statistics cover an entire district and do not pertain particularly to the subject site.

The public hearing included comments of a transformer in front of school property that has been a source of loitering and criminal activity. In a letter by the Los Angeles Police Department dated July 2, 2022, there is a transformer near the site that has attracted criminal activity and has brought in safety and biohazard issues. In addition, the LAPD stated the operating hours would negatively interfere with the quiet learning environment of the abutting school. In addition, their letter stated the subject premises has proven to be problematic to the school's daily operations. The letter also mentioned a history of disruptive incidences in the area and the subject premises. Some of the disruptive incidences identified in the hearing were related to cigarette butts thrown onto school property, a shower at the rooftop of the building exposing people showering to children, public defecation and vomiting and homeless activity. The applicant has worked to address the issue of workers throwing cigarette butts onto school property covered the shower's clear glass wall

with covered artwork so no one can see people showering. In addition, homelessness has become an issue throughout the City, and it leads public defecation, urination and vomiting, in addition to litter and trash.

Complaints that were under the control of the applicant appear to be addressed. Those not under control of the applicant are not on the subject premises. Such include the transformer, which appears to attract criminal activity and nuisances. Public defecation and other nuisances appear to occur at the transformer, which fronts the school.

The LAPD has identified possible outlets that have led to public drunkenness. These are reflected in their letter which identifies two liquor stores and a Jon's Market within a two-block radius that contribute negatively to the quality of life in this neighborhood. Their letter also stated that crimes are generated as a result of these alcohol establishments, including robbery, aggravated assaults, burglaries and thefts.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The number of active on-site ABC licenses within the census tract where the subject site is located, is below ABC guidelines. The project will not adversely affect the community welfare because the restaurant is a desirable use in an area designated for commercial uses. The subject site is designated for Highway Oriented Commercial uses and has frontage along Santa Monica Boulevard, a major commercial thoroughfare. The neighborhood is characterized by low-rise commercial buildings, some of which include restaurants, auto uses, a school, and residential uses. The area is supported by a significant employee population, and visitors in addition to the resident population base in the area, accounting for a demand for ABC licenses beyond the allocated number. The project will support a proposed restaurant, which in turn will continue to support the vibrancy and longevity of the commercial corridor along Santa Monica Boulevard as well as the surrounding neighborhood. The proposed restaurant as modified will provide neighboring residents and the local workforce with a convenient dining option that will bolster pedestrian activity in the neighborhood, thus increasing public safety. The sale of alcoholic beverages for on-site consumption in conjunction will augment the desirability of the subject establishment which will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy.

Furthermore, the sale of alcoholic beverages will be closely regulated to prevent sales to minors. The conditions of the grant address noise, security, loitering and maintenance to deter any nuisance activity on or adjacent to the site. The conditions of the grant require STAR/LEAD/RBS training for employees, adequate site maintenance, installation of surveillance cameras, and the maintenance of age verification devices. Additional conditions related to reduced operating hours and

security guards will provide additional measures to protect the area from further criminal activity. These conditions will deter or prevent nuisance or criminal activity such as loitering or public drinking and will improve public safety. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate and will not result in an undue concentration of establishments providing alcoholic beverages.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including a full line of alcoholic beverages.**

The project site is zoned for commercial uses and will be utilized as a neighborhood serving commercial use with the proposed restaurant. The following sensitive uses are located within a 1,000-foot radius of the site:

Residential	
Multi-Family Residences	
Schools/Day Care	
Kingsley Elementary School	5200 Virginia Avenue
Religious Institutions	
Iglesia Jesús Cristo Es El Camino	5173 Santa Monica Boulevard
Iglesia Adventista Del Séptimo Día	1055 Normandie Avenue
Hospitals	
N/A	N/A
Recreation	
N/A	N/A

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. Kingsley Elementary School is the nearest sensitive use as it abuts the subject building site. While there were numerous issues raised from residents and the abutting Kingsley Elementary School, as well as concerns raised by the Los Angeles Police Department, the Planning Commission determined that this grant would not adversely impact the school and abutting uses. The Conditions of Approval imposed address mode and character, safety and security and responsible operation. The Commission also required the presence of two security guards during all hours of operation of the restaurant. This would allow for any interaction of patrons and students playing in the field to be quickly addressed as well as any other potential issues. There would be no sales of alcohol for off-site consumption. In addition, the applicant will be required to come back to the Department of City Planning for a Plan Approval to allow for any testimony from the public to be considered for the continued use. The conditions are sensitive to the presence of children and the school use next to the site and will not be detrimental to nearby residential uses and other sensitive uses.

in the area.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas outside of a flood zone.