

OFFICE OF ZONING ADMINISTRATION  
200 N. SPRING STREET, ROOM 763  
LOS ANGELES, CA 90012-4801  
(213) 978-1318

**ESTINEH MAILIAN**  
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

JACK CHIANG  
HENRY CHU  
JONATHAN A. HERSHEY, AICP  
THEODORE L. IRVING, AICP  
CHARLES J. RAUSCH JR.  
CHRISTINA TOY LEE

**CITY OF LOS ANGELES**  
CALIFORNIA



**ERIC GARCETTI**  
MAYOR

**LOS ANGELES DEPARTMENT  
OF CITY PLANNING**  
EXECUTIVE OFFICES

VINCENT P. BERTONI, AICP  
DIRECTOR  
KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER  
SHANA M.M. BONSTIN  
DEPUTY DIRECTOR  
ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR  
LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
planning.lacity.org

September 15, 2022

April Langford (A)  
Everson Royce, LLC  
155 North Raymond Avenue  
Los Angeles, CA 91103

M7G, LLC (O)  
c/o Matthew Steinberg  
5715 North Figueroa Street, #201  
Los Angeles, CA 90042

Gary Benjamin (R)  
Alchemy Planning + Land Use  
4470 West Sunset Boulevard, #547  
Los Angeles, CA 90027

CASE NO. ZA-2022-3668-CUB-CUX  
CONDITIONAL USE  
1948 East 7<sup>th</sup> Street (1924-1948 East 7<sup>th</sup>  
Street and 703-711 South Mateo Street)  
Central City North Community Planning  
Area  
Zone : M3-1-RIO  
D. M. : 1245A217  
C. D. : 14 – Kevin de León  
CEQA : ENV-2022-3669-CE  
Legal Description: Lot 12 of the M.L.  
Wicks Subdivision of Kiefer Tract

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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, and the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a new bar; and

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

a Conditional Use Permit to allow patron dancing and live entertainment in conjunction with a new bar;

upon the following additional terms and conditions:

1. All other use, height, and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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 (standard main covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, and the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a new 2,760 square-foot bar. The grant shall be subject to the following limitations:
  - a. Hours of operation shall be limited to 9:00 a.m. to 2:00 a.m., daily.
  - b. Indoor seating shall be limited to a maximum of 83 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.

8. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. Parking shall be subject to the determination of the Department of Building and Safety. No variance from the parking requirements has been granted herein.
10. The operator shall retain full control of all events within the subject premises.
11. 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 or litter.
12. Any rear/side door(s) of the premises shall be equipped on the inside with an automatic locking device, kept closed at all times and not be used as a means of access by patrons to and from the licensed premises. Temporary use of this door(s) for delivery of supplies does not constitute a violation. Said door(s) shall not consist solely of a screen or ventilated security door.
13. No outdoor tables and/or chairs or any form of patron seating shall be provided on any outdoor patio or sidewalk.
14. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, 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.
15. Live entertainment consisting of DJs, karaoke, and a live music band is permitted within the 47 square-foot performance stage as shown on "Exhibit A". Patron dancing is permitted within the 75 square-foot dance floor also shown on "Exhibit A".
16. Live entertainment and dancing shall be subject to a current Los Angeles Police Commission permit. The approximate 75 square-foot dance floor area approved by the Police commission shall be the same as that approved by the Zoning Administrator, identified as "Exhibit A". Prior to the utilization of this grant, evidence of the permit shall be submitted to the Department of City Planning for inclusion in the case file.
17. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.

18. 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.
19. **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.
20. The establishment shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the establishment for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public.
21. 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, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
22. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
23. 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.
24. 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.
25. **Complaint Log.** Prior to the beginning of operations, 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 hostess station

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.

26. An electronic age verification device shall be purchased and retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
27. **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.
28. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
29. 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.
30. 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.

#### **ADMINISTRATIVE CONDITIONS**

31. **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.
32. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
  - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance

- with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
- b. The owner/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.
33. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.
34. 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 his/her 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.
35. **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.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

### **APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become



effective after **SEPTEMBER 30, 2022**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

**Downtown**  
Figueroa Plaza  
201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077  
[Planning.figcounter@lacity.org](mailto:Planning.figcounter@lacity.org)

**San Fernando Valley**  
Marvin Braude San Fernando  
Valley Constituent Service  
Center  
6262 Van Nuys Boulevard, Room  
251  
Van Nuys, CA 91401  
(818) 374-5050  
[Planning.mbc2@lacity.org](mailto:Planning.mbc2@lacity.org)

**West Los Angeles**  
West Los Angeles Development  
Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2598  
[Planning.westla@lacity.org](mailto:Planning.westla@lacity.org)

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

#### NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

#### FINDINGS OF FACT

After thorough consideration of the statements contained in the application and the plans submitted therewith, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, and statements made at the public hearing on September 13, 2022, I find that the requirements for authorizing a conditional use under the provisions of Section 12.24 W.1 and 12.24 W.18 have been established by the following facts:

#### BACKGROUND

The subject property is a level, rectangular-shaped, corner lot, approximately 5,620 square feet in size. The subject property has street frontages of approximately 40 feet along 7th Street, and 140 feet along Mateo Street. The subject property is currently developed with a single-story, 5,363 square-foot commercial building with two tenant spaces: a 2,603 square-foot retail store (The Good Liver); and a 2,760 square-foot vacant tenant space previously occupied by a wine and bottle shop, Silverlake Wine Arts District,

that had on- and off-site sales of alcohol. The project involves a change of use of the previous retail use to a new bar. Parking is provided via shared surface parking lot to the east that contains 26 parking spaces.

The subject property is zoned M3-1-RIO and is located within Central City North Community Plan area. The Community Plan Area Map designates the subject property for Heavy Industrial land uses, corresponding to the M3 Zone. The subject property's zoning is thus consistent with the General Plan's land use designation for the site. The subject property is located within the East Los Angeles State Enterprise Zone (ZI-2129), The River Implementation Overlay District (ZI-2358), a Transit Priority Area in the City of Los Angeles (ZI-2452), the Central Industrial Redevelopment Project Area (ZI-2488). The subject site is located within approximately 1.18 kilometers of the nearest fault zone (Puente Hills Blind Thrust Fault). The subject property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

As previously stated, the subject establishment, 7<sup>th</sup> Mateo Bar, is a new bar located at 1948 East 7<sup>th</sup> Street. The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with the 2,760 square-foot bar, that will contain 83 indoor seats. The proposed hours of operation for the bar are from 9:00 a.m. to 2:00 a.m., daily. Additionally, the applicant is requesting a Conditional Use to permit patron dancing, live entertainment, and karaoke, in conjunction with the bar. The project proposes a 75 square-foot dance floor and 47 square-foot performing stage that will be located at the northeast corner of the subject establishment. The project does not propose any outdoor dining and will not expand the footprint or increase the height of the existing building.

The surrounding area is heavily urbanized and characterized by level topography and improved streets. Properties surrounding the subject site are zoned M3-1-RIO and are designated for Heavy Industrial land uses. These properties are primarily occupied by a mixture of industrial, commercial, and residential uses. Abutting the subject property to the north, across 7<sup>th</sup> Street, is a two-story office/warehouse building. Abutting the subject property to the northeast is a single-story building containing an art gallery and retail uses, as well as a surface parking lot. Abutting the subject site to the east, across Mateo Street, is a single-story restaurant (Guerilla Tacos). Adjoining the subject property to the south, separated by a public alleyway, is a single-story warehouse building. Adjoining the subject property to the west, is a bar (Everson Royce Bar) with an outdoor patio. Adjoining Everson Royce Bar to the east is a surface parking lot providing shared parking for the subject establishment and adjacent tenants.

## **STREETS**

7th Street, adjoining the subject property to the north is a designated Avenue II, dedicated to a varying right-of-way width of 80 to 83 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Mateo Street, adjoining the subject property to the east is a designated Avenue III, dedicated to a right-of-way width of 60 feet and improved with asphalt roadway, concrete curb, and sidewalk.

A public alley adjoins the property to the south and is dedicated to a width of 20 feet.

**Previous Cases, Affidavits, Permits, and Orders on the Subject Property:**

Case No. ZA-2015-2202-CUB – On December 9, 2015, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with a new 2,765 square-foot retail store in the M3-1-RIO Zone.

**Related Cases on Surrounding Properties:**

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages for applications filed after 2010:

Case No. ZA-2019-7295-CUB – On August 11, 2020, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 6,258 square-foot restaurant/bar/lounge having 163 indoor seats in the M3-1-RIO Zone, located at 821 South Mateo Street.

Case No. ZA-2019-6157-CUB – On June 19, 2020, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine only for on- and off-site consumption in conjunction with a proposed 1,905 square-foot café and market, and 804 square-foot bakery, with hours of operation from 7:00 a.m. to 11:00 p.m., daily in the M3-1-RIO Zone, located at 2029 and 2037 East 7<sup>th</sup> Street.

Case No. ZA-2019-2910-CUB - On December 5, 2019, the Zoning Administrator approved a Conditional Use Permit to allow a full line of alcoholic beverages for on-site consumption in conjunction with a new 2,466 square-foot restaurant with 89 indoor seats and 52 outdoor seats in the M3-1-RIO Zone, located at 1850 East Industrial Street.

Case No. ZA-2019-2884-CUB – On November 13, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on- and off-site consumption in conjunction with an existing 1,321 square-foot restaurant/wine bar having 47 indoor seats and 36 outdoor seats, with hours of operation from 7:00 a.m. to 2:00 a.m., daily in the M3-1 Zone, located at 1820 – 1830 East Industrial Street, Unit #101.

Case No. ZA-2019-2166-CUB – On October 24, 2019, the Zoning Administrator approved a Conditional Use Permit a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new 7,400 square-foot restaurant and 412 square-foot uncovered patio having 143 indoor seats and 22 outdoor seats, with hours of operation from 7:00 a.m. to 2:00 a.m. in the M3-1 Zone, located at 2001 East 7<sup>th</sup> Street.

Case No. ZA-2017-5347-CUB-ZV - On July 16, 2018, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of a concession area/bar for a new theater; and approved a Zone Variance to allow for off-site parking within 750 feet of the project site by lease agreement in lieu of a recorded covenant, with hours of operation from 4:00 p.m. to 2:00 a.m. daily, in the M3-1-RIO Zone, at 1926 East 7<sup>th</sup> Place.

Case No. ZA-2016-4923-CUB - On June 30, 2017, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a nail salon with an ancillary bar, with hours of operation from 7:00 a.m. to 11:00 p.m. daily, in the M3-1-RIO Zone, located at 704-706 South Mateo Street.

Case No. ZA-2015-4217-CUB - On April 20, 2016, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcohol beverages for on-site consumption in conjunction with the expansion of an existing restaurant located at 2000 East 7th Street.

Case No. ZA-2015-2202-CUB - On December 9, 2015, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption and to permit the sale of beer and wine for on-site consumption in conjunction with a new retail store in the M3-1-RIO Zone, located at 1948 East 7th Street.

Case No. ZA-2015-3836-CUB-CUX - On May 4, 2015, the Zoning Administrator approved a Conditional Use Permit to upgrade to a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant and banquet hall, and a proposed change of use from manufacturing/warehouse to retail in the M3-1-RIO Zone, located at 2028 East 7th Street.

Case No. ZA-2013-1257-CUB - On March 27, 2014, the Zoning Administrator approved a Conditional Use to allow the continued sale and dispensing of beer and wine for on- and off-site consumption in conjunction with an existing restaurant/wine bar located at 1820 East Industrial Street, #101.

Case No. ZA-2013-1260-CUB - On March 6, 2014, the Zoning Administrator approved a Conditional Use to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption at an existing restaurant located at 1850 East Industrial Street.

Case No. ZA-2012-3061-CUB - On May 14, 2013, the Zoning Administrator approved a Conditional Use to allow the sale of beer and wine for off-site consumption in conjunction with a new grocery store and beer and wine for on-site consumption within an accessory cafe to the grocery store located at 661 South Imperial Way.

Case No. ZA-2012-1951-CUB-CU - On March 8, 2013, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,201 square-foot restaurant having 37 indoor seats and 25 outdoor seats, with hours of operation from 12:00 p.m. to 2:00 a.m. daily;

and to allow the sale of beer and wine for off-site consumption in conjunction with food take-out and delivery, from 12:00 p.m. to 12:00 a.m. daily, located at 2010 East 7th Street.

Case No. ZA-2011-519-MCUP - On July 29, 2011, the Zoning Administrator approved a Conditional Use to permit a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant, bar/lounge, and within an existing gourmet shop, located at 1855 Industrial Street.

### **Public Correspondence**

In a letter dated, July 12, 2022, the Downtown Los Angeles Neighborhood Council stated it's support for the project and requested entitlements.

### **Public Hearing**

The public hearing was held telephonically on Tuesday, September 13, 2022 at 10:00 a.m. in conformance with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

The hearing was attended by the applicant's representative, Gary Benjamin, and the applicants April Langford and Randy Clement.

Mr. Benjamin and Mr. Clement made the following statements:

- The project is located at 1948 E. 7<sup>th</sup> Street. It is within the southern Arts District of downtown Los Angeles. The site is near the intersection of 7<sup>th</sup> Street and Mateo Street.
- There is another establishment on the site operated by the applicant, called Everson Royce, that shares the same parking lot.
- The subject building is fully enclosed. The applicant has operations in the Art's District, including the Arts District Wine and Everson Royce. The applicant has received lots of support.
- The subject site had previously operated as a wine and bottle shop, Silverlake Wine Arts District, which was extremely popular. Silverlake Wine opened up and offers natural wines. In 2015, Everson Royce opened up. This has been popular and has had a great track record. There is a back patio space, and they have had no issues with LAPD. There have been no problems.
- The applicant has other operations. In 2018-2019, Triple Beam Pizza, Highland Park Wine and Hippo were opened.
- The current space is on a 5,619 sf lot. The building will have 83 seats, where 51 seats will be at the bar.
- Live entertainment will not be the main focus. There will be a 47 sf stage and 75 sf dance floor. Live entertainment will be in the form of karaoke, live DJ, and live

band.

- Outreach includes the Downtown Los Angeles Neighborhood Council Planning and Land Use Committee and Full Board. A letter was submitted showing support. Also included is LAPD's Newton Division, who commented that they decline to get involved with these applications. CD 14 stated their policy is to not get involved in alcohol, but they are generally supportive.
- (Clement) The wine store didn't survive the pandemic. Newton Division of the LAPD were hard to get a hold of. When we did meet, they were supportive.
- Alcohol sales for off-site consumption would be offered in the event market conditions change and will offer versatility for the operation. There will not be a display case and the mode and character will remain a bar.
- No food will be offered. This operation will share valet with Everson Royce.

There were no speakers during the public comment portion of the hearing.

At the conclusion of the public hearing, the Zoning Administrator stated he would approve the request.

**CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES**

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- Sale of a full line of alcoholic beverages is permitted for off-site consumption.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- All service of alcoholic beverages shall be conducted by a waitress or waiter.

**BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

**CONDITIONAL USE FINDINGS**

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 proposed establishment is a new bar that will occupy a vacant tenant space within a single-story commercial building located at the corner of 7<sup>th</sup> Street and Mateo Street within the Arts District. The proposed bar will encompass 2,760 square feet of floor area and will contain 83 indoor seats. Proposed hours of operation for the bar are from 9:00 a.m. to 2:00 a.m., daily. The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with the proposed bar, as well as a Conditional Use to permit patron dancing. Live entertainment will be in the form of a live DJ, karaoke and music band. Parking for the proposed establishment is provided via a shared surface parking lot containing 26 vehicle parking spaces.

A variety of commercial uses, including bars, are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood. The subject establishment is located in the Arts District, an area well-known for its vibrant night life, attracting both local patrons living within the community as well as visitors from abroad. The addition of a new bar will serve to reinforce the character of the neighborhood and bolster the economic vitality of the district. The proposed bar will provide the community with a both modern, and authentic consumer experience that will serve to bring in more visitors from abroad and help create a more competitive service industry in the Arts District. The project will activate a vacant tenant space and provides an essential service by helping to preserve and strengthen a viable commercial development within the neighborhood. The project will also provide new opportunities for employment within the community, as well as provide tax revenue to the City.

In addition, the project does not propose the expansion of the existing commercial building, nor does it propose any patio area with outdoor seating. Furthermore, the grant to allow the alcohol service, patron dancing, and live entertainment, has been well conditioned to ensure that that use will not adversely impact neighboring residents or other sensitive uses. As such, the project will enhance the built

environment in the surrounding neighborhood and will provide a service that is beneficial to the community, city and region.

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 subject property is a level, rectangular-shaped, corner lot, approximately 5,620 square feet in size. The subject property has street frontages of approximately 40 feet along 7th Street, and 140 feet along Mateo Street. The subject property is currently developed with a single-story, 5,363 square-foot commercial building with two tenant spaces: a 2,603 square-foot retail store (The Good Liver); and a 2,760 square-foot vacant tenant space previously occupied by a wine and bottle shop, Silverlake Wine Arts District, that had on- and off-site sales of alcohol. The project involves a change of use of the previous retail use to a new bar. Parking is provided via shared surface parking lot to the east that contains 26 parking spaces.

The surrounding area is heavily urbanized and characterized by level topography and improved streets. Properties surrounding the subject site are zoned M3-1-RIO and are designated for Heavy Industrial land uses. These properties are primarily occupied by a mixture of industrial, commercial, and residential uses. Abutting the subject property to the north, across 7<sup>th</sup> Street, is a two-story office/warehouse building. Abutting the subject property to the northeast is a single-story building containing an art gallery and retail uses, as well as a surface parking lot. Abutting the subject site to the east, across Mateo Street, is a single-story restaurant (Guerilla Tacos). Adjoining the subject property to the south, separated by a public alleyway, is a single-story warehouse building. Adjoining the subject property to the west, is a bar (Everson Royce Bar) with an outdoor patio. Adjoining Everson Royce Bar to the east is a surface parking lot providing shared parking for the subject establishment and adjacent tenants.

The Conditional Use Permit allows the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with the proposed 2,760 square-foot bar, that will contain 83 indoor seats. The proposed hours of operation for the bar are from 9:00 a.m. to 2:00 a.m., daily. Additionally, the Conditional Use permits patron dancing within a 75 square-foot dance floor, and live entertainment in the form of karaoke, live DJ and music bands within a 47 square-foot stage, in conjunction with the bar. The 75 square-foot dance floor and 47 square-foot performing stage will located at the northeast corner of the subject establishment. The project does not propose any patio or outdoor seating and will not expand the footprint or increase the height of the existing building.

In addition, the subject site had previously been granted a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with a 2,765 square-foot a wine and bottle shop, Silverlake Wine Arts District (Case No. ZA-2015-2202-CUB). As previously stated,



the project would involve tenant improvements and a change of use for a new bar with on- and off-site alcohol sales.

Furthermore, the Zoning Administrator has imposed numerous conditions to prevent adverse impacts and integrate the use into the neighborhood. Conditions address responsible management, addressing of nuisance, and surveillance and training. In addition, the Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to. The applicant also stated that there will be a security presence on the premises. Therefore, 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 of the community.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs 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 implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is zoned M3-1-RIO and is located within the Central City North Community Plan area. The Community Plan Area Map designates the subject property for Heavy Industrial land uses, corresponding to the M3 Zone. The subject property's zoning is thus consistent with the General Plan's land use designation for the site. The subject property is not located within the boundaries of or subject to any other specific plan, community design overlay, or interim control ordinance that may otherwise restrict certain uses, or place development standards further than what the current zoning allows.

The Central City North Community Plan text is silent with regards to the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. Specifically, the project addresses the following goal, objectives, and policy of the Central City North Community Plan:

**GOAL 2:** A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH BEST SERVES THE NEEDS OF THE COMMUNITY THROUGH MAXIMUM EFFICIENCY AND ACCESSIBILITY WHILE PRESERVING THE HISTORIC COMMERCIAL AND CULTURAL CHARACTER OF THE DISTRICT.

**Objective 2-1:** Preserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

**Policy 2-1.3:** Insure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

**Objective 2-2:** To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.

Although the subject property is zoned primarily for industrial uses, in recent years, many former industrial sites throughout the neighborhood now referred to as the Arts District, have been repurposed for commercial and residential development. The project fulfills the intent of the Central City North Community Plan provisions regarding land use compatibility, by preserving and strengthening an existing viable commercial development with street frontage along 7<sup>th</sup> Street and Mateo Street within the Arts District. The proposed neighborhood serving bar will offer a convenient beverage service coupled with patron dancing and live entertainment that will serve to reinforce the character of the neighborhood and bolster the economic vitality of the district. The project will also bolster pedestrian activity in the neighborhood, thus increasing public safety. By drawing in more visitors to the area, the project will generate more revenue for local businesses, thus supporting the community's local economy.

Moreover, the project does not propose any physical expansion to the existing commercial building in which the proposed bar will occupy. The project's design, both in terms of physical layout and operations, is intended for the sale and dispensing of alcoholic beverages for on- and off-site consumption to cater to the neighborhood-serving characteristics of the Arts District. As such, the project substantially conforms with the purpose, intent and provisions of the General Plan, and the applicable community plan.

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

The subject property is located in the M3-1-RIO Zone where conditional authorization for the sale of alcoholic beverages is allowed through the approval of the Zoning Administrator subject to certain findings. The proposed bar use is permitted by-right and is appropriate given the surrounding context and general plan land use designation. Additionally, the project will not result in the physical expansion of the existing commercial building in which the bar will occupy. Patron seating is limited to 83 indoor seats. No patio, or any other type of outdoor seating are being proposed or approved as part of this grant. The project proposes patron dancing, live entertainment, and karaoke that has been well-conditioned to ensure

that that use will not adversely impact neighboring residents or other sensitive uses.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will 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, or the Responsible Beverage Service (RBS) Training Program.

In addition, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. All activity occurring on the subject premises will be required to adhere to the imposed conditions. Additional conditions have been included to ensure the operation provides adequate security measures, including a surveillance system, adherence to the City's Noise Ordinance, and responsible management practices. The City's conditions of approval and any conditions by the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption in conjunction with a proposed bar 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 beer and wine, 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 State Department of Alcoholic Beverage Control (ABC) licensing criteria, there are two (2) on-site licenses and one (1) off-site license allocated to the subject Census Tract Number 2060.51, based on a population of 2,591. There are currently 55 on-site licenses and 10 off-site license within this census tract. Within 1,000 feet of the subject site, there are currently 13 establishments that have ABC licenses.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license does not negatively impact an area, but rather provides a public service and benefits the community. Although the number of existing on-site licenses

exceeds the number allocated to the subject census tract, a higher number of alcohol-serving establishments is to be expected in an area like the Arts District which is experiencing both rapid residential and commercial growth, and which functions as a major economic hub and destination with a variety of specialty establishments. In active mixed-use areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial service centers are supported by significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents.

According to statistics provided by the Los Angeles Police Department's Newton Division Vice Unit, within Crime Reporting District No. 1309, which has jurisdiction over the subject property, a total of 435 crimes (300 Part I and 135 Part II crimes) were reported in 2021, compared to the Citywide Average of 149 crimes and the High Crime Reporting District Average of 179 crimes. In 2021, alcohol-related Part II crimes reported include (11) Narcotics, (0) Liquor Laws, (4) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (5) Gambling, (21) DUI related, and (20) Other Offences. 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, there has been no evidence submitted for the record establishing any nexus between the subject site and the area's crime rate. The project will not adversely affect public welfare because it is a desirable use and convenient amenity in an area designated for such neighborhood-serving commercial uses. Conditions, such as those related to the STAR/LEAD/RBS Program, age verification, and security cameras, have been imposed by the Zoning Administrator in conjunction with this approval. Public safety measures to minimize nuisance and criminal activities have been incorporated into the grant to assure better oversight. Further conditions may be imposed by the California Department of Alcoholic Beverage Control as conditions on the alcohol license. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate or generate any nuisance activity 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 beer and wine.**

The following sensitive uses are located within a 1,000-foot radius of the site:

<b>Residential</b>	
Multi-Family Residences	
<b>Schools</b>	
Metropolitan High School	727 South Wilson Street

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise, loitering and security. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to the neighborhood and will serve the neighboring residents and local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any 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 X, areas determined to be outside the 500-year flood plain.

Inquiries regarding the matter shall be directed to Trevor Martin, Planning Staff for the Department of City Planning at (213) 978-1341 or [trevor.martin@lacity.org](mailto:trevor.martin@lacity.org).



HENRY CHU  
Associate Zoning Administrator

HC:TM:bk

cc: Councilmember – Kevin de León  
Fourteenth Council District  
Adjacent Property Owners