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Decision Date: November 29, 2023

Last Day to Appeal: December 14, 2023

Bradley Nitz (A)(R)  
Ryno Group, LLC  
810 S Flower Street, Unit 1015  
Los Angeles, CA 90017

AIDS Healthcare Foundation (O)  
6255 Sunset Boulevard, 21 Floor  
Los Angeles, CA 90028

CASE NO. ZA-2023-1608-CUB-CUX  
CONDITIONAL USE  
353, 365 South Main Street, 103, 107  
West 4th Street  
Central City Community Plan  
Zone : [Q]C4-4D  
C.D. : 14 – Kevin de Leon  
D.M. : 129A211  
CEQA: ENV-2023-1609-CE  
Legal Description: Lot FR 1, Block 6,  
Ord's Survey 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 to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed bar in the [Q]C4-4D Zone; and

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

a Conditional Use to authorize patron dancing in conjunction with a proposed bar with live entertainment in the [Q]C4-4D Zone,

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 master 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, patron dancing, and live entertainment in conjunction with the use and maintenance of a 2,068 square-foot bar. The grant shall be subject to the following limitations:
  - a. The hours of operation shall be limited to 10:00 a.m. to 2:00 a.m., daily.
  - b. Indoor seating shall be limited to a maximum of 56 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
  - c. Dancing shall be limited to the 430 square-foot dance floor indicated on Exhibit "A".

8. After hour use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. 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.
10. 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.
11. **Private Events.** Any use of the premises 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.
12. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
13. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
14. A security plan must be reviewed and approved by the Police Department. The approved security plan will be maintained by the Department of City Planning and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
15. All security personnel and/or business operator/manager shall maintain order therein and prevent any activity that would interfere with the quiet enjoyment of their property by nearby residents. The security personnel shall, to the reasonable extent possible:
  - a. Encourage patrons to exit quietly. Security shall monitor any crowd forming at the entrance of the venue. Security will disperse loitering crowds during hours of operation and after closure of business.
  - b. Prevent loitering at the entrance bar.
  - c. Ensure loitering crowds are dispersed and not cause a noise disturbance.
16. All exterior portions of the site shall be adequately illuminated in the evening to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.

17. The exterior windows and glass doors of the bar shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height so as to permit surveillance into the bar by Police and private security.
18. Only the front door or entryway shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door, but shall be solid.
19. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
  - a. Entry, visible to pedestrians
  - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

20. **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.
21. 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.
22. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
23. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements 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.
24. 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.
  25. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris or litter.
  26. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
  27. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
  28. The applicant / operator shall obtain permits from the Los Angeles Police Permit Processing Section, pursuant to LAMC Sections 103.102 and 103.106. Copies of said permits shall be submitted to the Department of City Planning **within 30 days of their issuance** for inclusion in the case file.
  29. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.
  30. All entertainment shall be conducted within a wholly enclosed building. Entertainment is limited to a disc jockey.
  31. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.

32. The premises shall not be leased or rented to outside promoters or to any third parties for private parties or special events. The applicant/operator may host private parties or events where a fixed number of customers is predetermined and does not exceed the seating capacity or maximum occupancy approved by the Fire Department. The conduct of the business during any private parties shall be under the direct control of the business owner/operator and management staff shall be present during private parties. The person responsible for the private party or event shall be provided with a copy of the conditions of this grant and the language below or similar language shall be included in the contract related to any private party or event. **Prior to the utilization of this grant**, the Applicant shall provide a copy of its standard contract related to private parties or events to the Department of City Planning for inclusion in the case file.
33. The business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting.
34. 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.
35. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security and to allow for eyes on the street and pedestrian safety.
36. 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 present to the DLANC's Planning & Land Use Committee.

#### **ADMINISTRATIVE CONDITIONS**

37. **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 and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the

Zoning Administrator.

38. 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 the floor plan, seating arrangement or number of seats of the new operation.
39. At any time during the period of validity of this grant, if it is determined that the 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 documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application together with associated fees. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
40. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

  - i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions 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.

**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, the plans submitted therewith, and the statements made at the public hearing on August 29, 2023, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing conditional use approvals under the provisions of 12.24 have been established by the following facts:

## **BACKGROUND**

The site has a total lot area of approximately 15,754 square feet, consisting of Lot FR 1, Block 6 of Ord's Survey Tract. The subject property has approximately 138 feet of street frontage along the north side of West 4th Street and approximately 111 feet of street frontage along the west side of South Main Street. The site is zoned [Q]C4-4D and is located within the Central City Community Plan area, which designates the land use of the subject lot as Regional Center Commercial, corresponding to the CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4 Zones. Imposed "Q" qualified conditions regulate the maximum height of new construction and the placement of rooftop billboards; the instant application is unaffected. Imposed "D" development limitations regulate the maximum floor-to-area ratios and transfers of floor area; the instant application is unaffected.

The site is not located within a Specific Plan or within an area governed by an Interim Control Ordinance. It is located within the boundaries of a Transit Priority Area in the City of Los Angeles, Greater Downtown Housing Incentive Area, City Center Redevelopment Project Area, and the Los Angeles State Enterprise Zone. The site is subject to guidelines laid out in the Residential Hotel Unit Conversion Demolition Ordinance and the City Center and Central Industrial Development Guidelines and Controls for Residential Hotels. It is approximately 1.54 kilometers from the Puente Hills Blind Thrust fault.

The site is currently improved with a six-story mixed-use building known as the Barclay Hotel. Built in 1896, the subject site is listed on the Los Angeles Historic-Cultural Monuments Register (LA-288). Per the most recent Certificate of Occupancy and Certificate of Occupancy (Plan Check No. B13LA14266, issued on November 14, 2013), the building is used for hotel, retail, and bar land uses. However, according to recent news articles, the building is going to be converted to affordable housing by late 2023. The subject establishment, Score DTLA, occupies approximately 2,068 square feet of floor area of ground floor of the subject property. Primary access is via West 4th Street.

August 27, 1986, the Zoning Administrator approved a Conditional Use Permit to allow the continued operation of an existing cocktail lounge and bar with dancing under Case Number ZA-1986-342-CUX. The currently proposed project seeks approval by the Zoning Administrator for a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing on a 430 square-foot dance floor in conjunction with an existing 2,068 square-foot bar with live entertainment and 56 total seats. Proposed hours of operation are from 10:00 a.m. to 2:00 a.m., daily. The project is not proposing any new construction, alterations, or additions to the site, only for the Conditional Use to permit alcohol beverages being sold and consumed on-site and patron dancing.

## **SURROUNDING PROPERTIES**

The properties adjoining the site to the west are zoned [Q]C4-4D and developed with mid-rise commercial office buildings with ground-floor retail. The properties to the south, across West 4th Street, are zoned [Q]C4-4D and are developed with office and retail uses. The properties on the southeast corner of South Main Street and West 4th Street are zoned [Q]C4-2D and developed with mixed-use, mid-rise residential and ground-floor

retail uses. The properties to the east, across South Main Street, are zoned [Q]C4-2D and developed with mixed-use, mid-rise residential and ground-floor retail uses. The property that adjoins the site to the north is zoned [Q]C4-24D and developed with a surface parking lot.

### **Streets**

4th Street, adjoining the subject property to the south, is a designated Modified Avenue III, dedicated to a width of 60 feet with one-way eastbound traffic lanes only, and is improved with roadway, concrete sidewalk, curb, and gutter.

Main Street, adjoining the subject property to the west, is a designated Avenue II, dedicated to a width of 86 feet with one-way northbound traffic lanes only, and improved with asphalt roadway, protected two-way bike lanes, concrete sidewalk, curb, and gutter.

### **Previous relevant cases, affidavits, and orders on the subject property**

City Planning staff, utilizing the Department's Zoning Information and Map Access System (ZIMAS) and the Planning Case Tracking System (PCTS), reviewed current and prior actions associated with the subject property and found the following:

Permit No. LA 65629/87 – On October 23, 1987, a Certificate of Occupancy was issued for: "Hotel Retail Bar and Dancing. Change occupancy load from 80 to 220 and permit dancing. No change in parking. ZI 940. R1/B2/A3 occupancy."

Case No. ZA-1986-342-CUX – On August 27, 1986, the Zoning Administrator approved a Conditional use Permit to allow the continued operation of an existing cocktail lounge and bar with dancing.

### **Previous relevant cases, affidavits, and orders on the surrounding properties**

City Planning staff, utilizing the Department's Zoning Information and Map Access System (ZIMAS) and the Planning Case Tracking System (PCTS), reviewed current and prior actions within a 500-foot radius of the subject property and found the following:

Case No. ZA-2014-285-CUB-PA – On December 14, 2022, the Zoning Administrator approved a Plan Approval to renew the entitlements in ZA-2014-285-CUB for continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant in the [Q]C4-4D Zone. Hours of operation are 11:00 a.m. to 2:00 a.m., daily, at a restaurant located at 421 South Main Street.

Case No. ZA-2019-2349-VZ-CUB-CUX – On October 22, 2020, the Zoning Administrator approved a Zone Variance to allow an open air outdoor rooftop bar and 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 proposed basement bar/lounge, a ground floor hotel lobby, bar and restaurant, a mezzanine dining area, a second-floor with pre-function, banquet, and meeting rooms, a rooftop bar and outdoor dining area, and hotel room controlled-access liquor cabinets in the [Q]C4-4D Zone. Hours of operation for indoor portions of restaurants are 7:00 a.m. to 2:00 a.m., daily, and outdoor rooftop hours

are 7:00 a.m. to 11:30 p.m., Sunday through Thursday and 7:00 a.m. to 1:00 a.m. Friday and Saturday at a hotel located at 402-408 South Spring Street and 122-128 West 4<sup>th</sup> Street.

Case No. ZA-2019-5392-CUB – On April 14, 2020, 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 an existing restaurant in the [Q]C4-4D Zone. Hours of operation are 7:00 a.m. to 2:00 a.m., daily, at a restaurant located at 333 South Spring Street, Suite E-9.

Case No. ZA-2019-6242-ZV-MCUP-CUX – On March 25, 2020, the Zoning Administrator approved a Zone Variance to allow an open air outdoor bar, a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the use and operation of a maximum of four new restaurants in the [Q]C4-4D Zone. Hours of operation are limited to 7:00 a.m. to 2:00 a.m., daily, with outdoor rooftop hours limited to 7:00 a.m. to 11:30 p.m. Sunday through Thursday and 7:00 a.m. to 1:00 a.m. Friday and Saturday. The site is located at 433 South Spring Street.

Case No. ZA-2019-4776-CUB – On February 21, 2020, the Zoning Administrator approved 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/bakery and bar in the [Q]C4-4D Zone. Hours of operation are 6:00 a.m. to 2:00 a.m., daily, at a restaurant/bakery and bar located at 361 South Spring Street.

Case No. ZA-2019-484-CUB – On September 10, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing bar in the [Q]C4-2D Zone. Hours of operation are 10:30 a.m. to 2:00 a.m., daily, at a bar located at 117 East Winston Street and 419-429 South Los Angeles Street, Unit 104.

Case No. ZA-2018-7052-CUB-CUX-CDO – On August 7, 2019, the Zoning Administrator approved 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 theater with bars, dance floor areas, cultural, and event spaces in the [Q]C4-4D-CDO-ZN Zone. Hours of operation are limited to 10:00 a.m. to 2:00 a.m., daily, at a facility located at 330 South Broadway.

Case No. ZA-2018-6532-CUB – On May 14, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the use and maintenance of a new basement bar in the in the [Q]C4-2D Zone. Hours of operation are 7:00 a.m. to 1:30 a.m., daily, at a bar located at 400 South Main Street.

Case No. ZA-2018-2881-CUB-CUX – On April 5, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing bar/lounge in the [Q]C4-4D Zone. Hours of operation are limited to 11:00 a.m. to 2:00 a.m., daily. The bar/lounge is located at 416 South Spring Street.

Case No. ZA-2018-627-CUB – On August 13, 2018, 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 restaurant in the [Q]C4-4D Zone. Hours of operation are 11:00 a.m. to 2:00 a.m., daily, at a restaurant located at 210-214 West 3<sup>rd</sup> Street.

Case No. ZA-2018-55-CUB – On May 31, 2018, 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 an existing restaurant in the [Q]C4-4D Zone. Hours of operation are 7:00 a.m. to 11:00 p.m., daily, at a restaurant located at 333 South Spring Street.

Case No. ZA-2018-99-CUB – On May 25, 2018, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption and to allow on-site beer and wine tasting in conjunction with an existing retail wine shop in the [Q]C4-4D Zone. Hours of operation are 11:00 a.m. to 2:00 a.m., daily, at a shop located at 460 South Spring Street.

Case No. ZA-2012-377-CUB-CUX-ZV-PA1 – On November 3, 2017, Zoning Administrator approved a Plan Approval to renew the entitlements in ZA-2012-0377-CUB-CUX-ZV for continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing theater, restaurant, and bar. Hours of operation are 9:00 a.m. to 4:00 a.m., daily for the main restaurant areas located at 446-448 South Main Street.

Case No. ZA-2014-4753-CUB – On April 30, 2015, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption in conjunction with a new restaurant and delicatessen/market in the [Q]C4-2D Zone. Hours of operation are 6:30 a.m. to 2:00 a.m., daily, at a restaurant located at 334 South Main Street, Unit 1101.

Case No. ZA-2013-4189-CUB – On July 16, 2014, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction a new lounge/tavern in the [Q]C4-2D Zone. Hours of operation are 7:00 a.m. to 2:00 a.m., daily, at a restaurant located at 438 South Main Street.

Case No. ZA-2013-2653-CUB – On February 28, 2014, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with an existing restaurant in the [Q]C4-4D-CDO Zone. Hours of operation are 10:00 a.m. to 2:00 a.m., daily, at a restaurant located at 332 South Broadway.

Case No. ZA-2012-3278-CUB – On April 26, 2013, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of a restaurant in the [Q]C4-4D Zone. Hours of operation are 7:00 a.m. to 2:00 a.m., daily for the restaurant interior dining area and market; and 7:00 a.m. to 12:00 a.m. for the outdoor patio dining area located at 414 South Spring Street.

Case No. ZA-2012-2655-CUB – On March 6, 2013, 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 the operation of an existing restaurant (from 1,405 square feet to 2,679 square feet) in the [Q]C4-2D Zone. Hours of operation are 11:00 a.m. to 12:00 a.m., daily, at a restaurant located at 426 South Main Street.

Case No. ZA-2012-817-CUB – On November 29, 2012, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of a 4,130 square-foot restaurant in the [Q]C4-2D Zone. Hours of operation are 8:00 a.m. to 2:00 a.m., daily, with proposed alcohol sales from 11:00 a.m. to 2:00 a.m. Monday to Friday and 9:00 a.m. to 2 a.m. Saturday and Sunday at a restaurant located at 117 East Winston Street.

### **PUBLIC CORRESPONDENCE**

In a letter dated August 18, 2023, the Downtown Los Angeles Neighborhood Council voted at its July 11, 2023 meeting to support the proposed project with five additional conditions of approval:

Condition 1: Applicant will maintain pedestrian access if the sidewalk is temporarily closed during construction.

Condition 2: Applicant will ensure any temporary walkways covered due to construction (e.g., scaffolding) are well-lit at all hours.

Condition 3: Storefronts of ground-floor retail retain transparency at all times to allow for eyes on the street and pedestrian safety.

Condition 4: Owner/Operator will come back and present to PLUC should owner/operator change.

Condition 5: Request that applicant explore heightened exterior security staffing during operating hours.

Additionally, six letters of support were received from various members of the public.

### **PUBLIC HEARING**

A public hearing was held before the Associate Zoning Administrator on August 29, 2023 at 9:300 a.m., due to continued concerns that meeting in person would present imminent risks to the health and safety of the attendees, the hearing was conducted entirely telephonically. The hearing was attended by the applicant (Bradly Nitz) and one member of the public.

Mr. Nitz, presented the project and stated the following:

- The project consists of the re-opening of an existing bar/club.
- Bar has been empty for over 8 years.
- The bar was formally known as Score, Bar 107, and now Kiso.
- The bar will have a LGBTQ+ theme and will have dancing.
- Building is currently under renovation.
- Hours of operation are from 10 am to 2 am daily.

- Anticipates cover change for certain events.
- Will not have a kitchen.
- Will have security.
- Have received letter of support from neighborhood council.

Josh Gray, a member of the public, made the following comments:

- Supportive of the project.
- Huge spot for community.

### **Conclusion of hearing**

At the end of the public hearing, the Zoning Administrator stated that he was inclined to approve the requests, but requested the neighborhood council letter, and asked the applicant to meet with LAPD.

### **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.

They may include those identified during hearing testimony, received as part of correspondence via stakeholder groups, city agency, other responsible agency, Council District, Mayor's office etc.)

- No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.
- 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.
- The sale of alcoholic beverages for consumption off the premises is prohibited.

- 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.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The 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.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- The single unit sales of malt liquors and/or malt based products shall be prohibited.

### **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use 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 of a full line of alcoholic beverages for on-site consumption 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 site has a total lot area of approximately 15,754 square feet, consisting of Lot FR 1, Block 6 of Ord's Survey Tract. The subject property has approximately 138 feet of street frontage along the north side of West 4th Street and approximately 111 feet of street frontage along the west side of South Main Street. The site is zoned [Q]C4-4D and is located within the Central City Community Plan area, which designates the land use of the subject lot as Regional Center Commercial, corresponding to the CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4 Zones. Imposed "Q" qualified conditions regulate the maximum height of new construction and the placement of rooftop billboards; the instant application is unaffected. Imposed "D" development limitations regulate the maximum floor-to-area ratios and transfers of floor area; the instant application is unaffected.

The site is currently improved with a six-story mixed-use building known as the Barclay Hotel. Built in 1896, the subject site is listed on the Los Angeles Historic-Cultural Monuments Register (LA-288). Per the most recent Certificate of Occupancy and Certificate of Occupancy (Plan Check No. B13LA14266, issued on November 14, 2013), the building is used for hotel, retail, and bar land uses. However, according to recent news articles , , the building is going to be converted to affordable housing by late 2023. The subject establishment, Score DTLA, occupies approximately 2,068 square feet of floor area of ground floor of the subject property. Primary access is via West 4th Street.

The applicant seeks Conditional Uses to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing on a 430 square-foot dance floor in conjunction with an existing 2,068 square-foot bar with live entertainment and 56 total seats. Proposed hours of operation are from 10:00 a.m. to 2:00 a.m., daily. The project is not proposing any new construction, alterations, or additions to the site, only for the Conditional Uses to permit alcohol beverages being sold and consumed on-site and patron dancing.

The bar will serve residents, employees and visitors to Downtown Los Angeles. A variety of commercial uses is an intrinsic part of the service amenities that are necessary for the conservation, development, and success of a vibrant neighborhood. The ability for the subject site to offer a full line of alcoholic beverages, live entertainment will not be detrimental to the character of the immediate area and will have a positive impact on the economic welfare of the community. Patrons are drawn to Downtown Los Angeles due to the wide variety of shopping, and cultural experiences available to them, and offering a selection of a full line of alcoholic beverages, live entertainment and dancing will to enhance the experience for patrons. In light of the above, the subject project will continue to perform a function that enhances the character of the Central City Community and broader Los Angeles 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, approximately 15,754 square-foot, regularly shaped lot with approximately 138 feet of street frontage along the north side of West 4th Street and approximately 111 feet of street frontage along the west side of South Main Street. The site is currently improved with a six-story mixed-use building built in 1896. Known as the Barclay Hotel, the subject site is listed on the Los Angeles Historic-Cultural Monuments Register. The subject establishment occupies approximately 2,068 square feet of floor area on the ground floor level per the most recent Building Permit and Certificate of Occupancy (Plan Check No. B13LA14266) issued on November 14, 2013.

The applicant seeks Conditional Use authorizations to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing on a 430 square-foot dance floor in conjunction with an existing 2,068 square-foot bar with live entertainment and 56 seats in the [Q]C4-4D Zone. The proposed hours of operation are from 10:00 a.m. to 2:00 a.m., daily. The subject property is situated in a high-density area of downtown Los Angeles and surrounded by multi-story, mixed-use buildings. The properties adjoining the site to the west are zoned [Q]C4-4D and developed with mid-rise commercial office buildings with ground-floor retail. The properties to the south, across West 4th Street, are zoned [Q]C4-4D and are developed with office and retail uses. The properties on the southeast corner of South Main Street and West 4th Street are zoned [Q]C4-2D and developed with mixed-use, mid-rise residential and ground-floor retail uses. The properties to the east, across South Main Street, are zoned [Q]C4-2D and developed with mixed-use, mid-rise residential and ground-floor

retail uses. The property that adjoins the site to the north is zoned [Q]C4-4D and developed with a surface parking lot.

The operation of the subject establishment will continue the pattern of adaptive reuse of historic buildings for commercial, office, and residential space. The proposed project does not require exterior modification to the historic structure it is located within. Service will be completely contained within the walls of the building, minimizing any potential impacts, such as noise, to residents of adjacent buildings. The building within which the subject establishment is situated is mixed-use and includes residential units. However, the establishment is located on the ground floor of the building which is isolated from the residential space, and the imposed operational conditions are designed to reduce potential nuisances related to alcohol, dancing, and live entertainment. 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.

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 located within the Central City Community Plan area. The Community Plan Area Map designates the property for Regional Center Commercial, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The property is zoned [Q]C4-4D. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The Central City Community Plan text is silent with regards to the sale and dispensing of alcohol and public dancing. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following goals and policies of the Community Plan:

Objective 2-1: To improve Central City's competitiveness as a location for offices, business, retail, and industry.

Policy 2-1.2: To maintain a safe, clean, attractive, and lively environment.

Objective 2-4: To encourage a mix of uses which create an active, 24-hour

Policy 2-4.1: Promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity.

The applicant seeks Conditional Use authorizations to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and dancing on a 430 square-foot dance floor, in conjunction with an existing 2,068 square-foot bar with a maximum of 56 indoor seats in the [Q]C4-4D Zone. The proposed hours of operation are from 10:00 a.m. to 2:00 a.m., daily.

Approval of the request advances the objectives of the Plan to create activities in the Downtown area which seek to revitalize the area and provide activities that extend beyond the typical daytime business hours. Therefore, the Zoning Administrator finds that the project substantially conforms with the purpose, intent and provisions of the General Plan and the Central City Community Plan.

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

The site has a total lot area of approximately 15,754 square feet, consisting of Lot FR 1, Block 6 of Ord's Survey Tract. The subject property has approximately 138 feet of street frontage along the north side of West 4th Street and approximately 111 feet of street frontage along the west side of South Main Street. The site is zoned [Q]C4-4D and is located within the Central City Community Plan area. The site is currently improved with a six-story mixed-use building built in 1896. Known as the Barclay Hotel, the subject site is listed on the Los Angeles Historic-Cultural Monuments Register. The subject establishment occupies approximately 2,068 square feet of floor area on the ground floor level per the most recent Building Permit and Certificate of Occupancy (Plan Check No. B13LA14266) issued on November 14, 2013. The surrounding community is represented by a diverse mix of residents, employees of nearby governmental uses, and employees and residents of the many adaptively reused buildings in the area. The space is contained within the ground floor lobby of the Barclay Hotel building, limiting noise and allowing onsite security personnel to monitor exits.

Further, the subject establishment will cater specifically to an LGBTQIA+ clientele. The proposed operation would promote a safe space for the LGBTQIA+ community while serving the growing Downtown Los Angeles population, increasing employment opportunities, and contributing to the cultural and commercial vibrancy of the neighborhood.

In conjunction with the approval of the request to authorize the sale and consumption of a full line of alcoholic beverages and patron dancing within the bar, the Zoning Administrator has imposed numerous conditions of approval that the owner/operator/manager is required to comply with. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions

have been imposed to delineate steps to be taken if the operation of the facility is found to be noncompliant with these conditions. Additional conditions have been recommended for consideration by the Department of Alcoholic Beverage Control (ABC) in conjunction with their approval process. Conditions are intended to ensure that the use and operation of the bar are integrated into the community and protect community members from potential adverse impacts associated with alcohol sales. Conditions imposed will require responsible operations and will maintain the order and ensure cleanliness of the project and its surroundings. Adherence to and compliance with these conditions of approval will minimize the potential for adverse impacts on the surrounding community, and as a result, granting the request will not adversely affect the welfare of the pertinent community.

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. The applicant is proposing a bar. 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. Thus, as conditioned, it can be found that the proposed use, including the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing, 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 Department of Alcoholic Beverage Control (ABC) licensing criteria, two on-site and one off-site consumption licenses are allocated to the subject Census Tract 2073.06. Currently, there are 31 active on-site licenses and one active off-site license in the census tract. According to information submitted by the applicant, within 1,000 feet of the subject site, the following establishments have an ABC license:

<b>Alcohol Establishment</b>	<b>License Type</b>	<b>Address</b>
Blossom Cafe	On-site – Beer & Wine	426 South Main Street

Buzz Wine Beer Shop	On-site – Beer & Wine Off-site – Full Line	460 South Spring Street
The Lash	On-site – Full Line	117 East Winston Street
Bar Ama	On-site – Full Line	118 West 4th Street
The Regent Theatre,	On-site – Full Line	448 South Main Street
The Maurice Grave	On-site – Full Line	116 West 4th Street
Orsa & Winston,	On-site – Beer & Wine	122 West Fourth Street
Le Petit Paris	On-site – Full Line	418 South Spring Street
Kazu-Nori	On-site – Beer & Wine	421 South Main Street
Stowaway	On-site – Full Line	416 South Spring Street
Yuko Kitchen	On-site – Beer & Wine	101 West 5th Street
Spread Mediterranean Kitchen	On-site – Full Line	334 South Main Street, Suite 1101
Sushi Zo	On-site – Beer & Wine	334 South Main Street, Apt 1106
Bar Franca	On-site – Full Line	438 South Main Street
Lexington Bar	On-site – Beer & Wine	129 East 3rd Street
Tulsi Indian Eatery	On-site – Beer & Wine	408 South Main Street
Proabition DtlA	On-site – Full Line	117 Winston Street
Casa India, Los Angeles	On-site – Beer & Wine	348 South Broadway
Maccheroni Republic	On-site – Beer & Wine	332 South Broadway
10 & 10 1/2	On-site – Beer & Wine	330 South Broadway
Orleans & York Deli	On-site – Beer & Wine	333 South Spring Street, Ste E9
Citizen M Hotel	On-site – Full Line	361 South Spring Street
Kippered	On-site – Beer & Wine	361 South Broadway
Four Six Four	On-site – Beer & Wine	464 South Main Street
Vibiana Events/Rectory/Redbird	On-site – Full Line	210 South Main Street
King Eddy Saloon	On-site – Full Line	129-31 East 5th Street
La Cita	On-site – Full Line	336 South Hill Street
Clark Hotel	On-site – Full Line	426 South Hill Street
Horse Thief Bbq	On-site – Beer & Wine	324 South Hill Street
Olio Wood Fired Pizzeria	On-site – Beer & Wine	317 South Broadway
Oyster Gourmet	On-site – Beer & Wine	317 South Broadway
Las Morelianas	On-site – Beer & Wine	317 South Broadway, B1-C1
Precinct	On-site – Full Line	307 West 4th Street, 2nd Fl
Spirited Group (Chatterbox Bar)	On-site – Full Line	351 South Broadway

Knead & Co	On-site – Beer & Wine	317 South Broadway, Spc A3 & A4
Sari Sari Store	On-site – Beer & Wine	317 South Broadway, E12
Sticky Rice	On-site – Beer & Wine	317 South Broadway #B5, C4-5
Sarita's Pupuseria	On-site – Beer & Wine	317 South Broadway, #E5-E6
Lucky Bird	On-site – Beer & Wine	317 South Broadway F-4
Berlin Currywurst	On-site – Beer & Wine	317 South Broadway, Stall C1 1/2
Dtla Cheese	On-site – Beer & Wine	317 South Broadway, Spc A7-A8
Neuehouse Bradbury	On-site – Full Line	304 South Broadway Suite 200
Broad Street Oyster Co.	On-site – Full Line	317 South Broadway, D3
Golden Road Brewing	Importer/Manufacturers Sprints/Beer and Wine	317 South Broadway, Units A9, A10, A11
Rite Aid	Off-site – Full Line	500 South Broadway
Exposition Bar Group (The Wolves)	On-site – Full Line	519 South Spring Street
Mezcalero	On-site – Full Line	519 South Spring Street
Coronados Fresh Mexican Restaurant Bar Bakery	On-site – Full Line	212-216 W 5th Street
The Nickel	On-site – Beer & Wine	524 Main Street

Over-concentration can be "undue" when the addition of a license in a specific area will negatively impact a neighborhood. Over-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. Although the number of on-site ABC licenses within the subject census tract substantially exceeds ABC guidelines, the project will not adversely affect the community welfare because a bar is a desirable use in an area designated for such. The subject site is located within the downtown LA historic core within the Central City Community Plan. The site's location is characterized mid to high rise historic office buildings and mixed-use buildings and is in close proximity to historic theatres and entertainment venues. The historic core is a regional destination with a high density of restaurants, cafes, bars and gastro-pubs and significant activity by and late night.

According to statistics provided by the Los Angeles Police Department, which has jurisdiction over the subject property, within Crime Reporting District No. 135, a total of 200 crimes were reported in 2022, including 167 Part I crimes and 33 Part II arrests, compared to the Citywide average of 156 crimes and the High Crime

Reporting District average of 187 crimes for the same reporting period. Alcohol-related Part II arrests reported include Narcotics (5), Liquor Laws (1), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI-related (1), and Miscellaneous Other Violations (12). 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 Reporting District 135 is higher than the citywide average, and 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 visitor and neighborhood-serving commercial uses. The Los Angeles Police Department submitted no communication in support or opposition to the project. Nevertheless, 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 mitigate 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 alcohol.

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

<b>Residential Uses</b>	
Multiple-family dwellings	
<b>Religious Institutions</b>	
N/A	
<b>Hospitals</b>	
N/A	
<b>Parks and Recreation</b>	
Spring Street Park	428 South Spring Street

No communication or testimony has been received by any representative of the identified sensitive uses expressing concern or opposition to the project or request. Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The project will not adversely affect

community welfare because the bar is a desirable use in an area designated for commercial uses. In this case, the project will provide a continued convenience and amenity to workers, visitors, and residents in the immediate neighborhood and, as conditioned, will not negatively impact the area. 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 and loitering. Numerous conditions have been incorporated into this grant to minimize the potential for adverse effects on the community. 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 the local employees as well as visitors. Therefore, for the reasons given, 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, schools similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including full line of alcoholic beverages.

## **FLOOD HAZARD 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. 186,952, have been reviewed and it has been determined that this project is located Zone C, areas of minimal flooding.

## **APPEAL PERIOD – EFFECTIVE DATE**

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

**Online Application System (OAS):** The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

**Drop off at DSC.** Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC (213) 482-7077 201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org	Van Nuys DSC (818) 374-5050 6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org	West Los Angeles DSC (CURRENTLY CLOSED) (310) 231-2901 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org
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City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](http://appointments.lacity.org) portal ([appointments.lacity.org](http://appointments.lacity.org)). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to  
Online Appeal  
Filing



QR Code to Forms for In-  
Person Appeal Filing



QR Code to BuildLA Appointment  
Portal for Condition Clearance

**Note of Instruction Regarding the Notice of Exemption:** Applicant is hereby advised to file the Notice of Exemption for the associated categorical exemption after the issuance

of this letter. If filed, the form shall be filed with the County of Los Angeles, 12400 Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). More information on the associated fees can be found online here: <https://www.lavote.net/home/county-clerk/environmental-notices-fees>. The best practice is to go in person and photograph the posted notice in order to ensure compliance. Pursuant to Public Resources Code Section 21167 (d), the filing of this notice of exemption starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations, **and the possibility of a CEQA appeal**, being extended to 180 days.

Inquiries regarding this matter shall be directed to Eleanor Hunts, Planning Staff for the Department of City Planning at (213) 202-5414 or [eleanor.hunts@lacity.org](mailto:eleanor.hunts@lacity.org).



JORDANN TURNER  
Associate Zoning Administrator

JT:YL:EH:nm

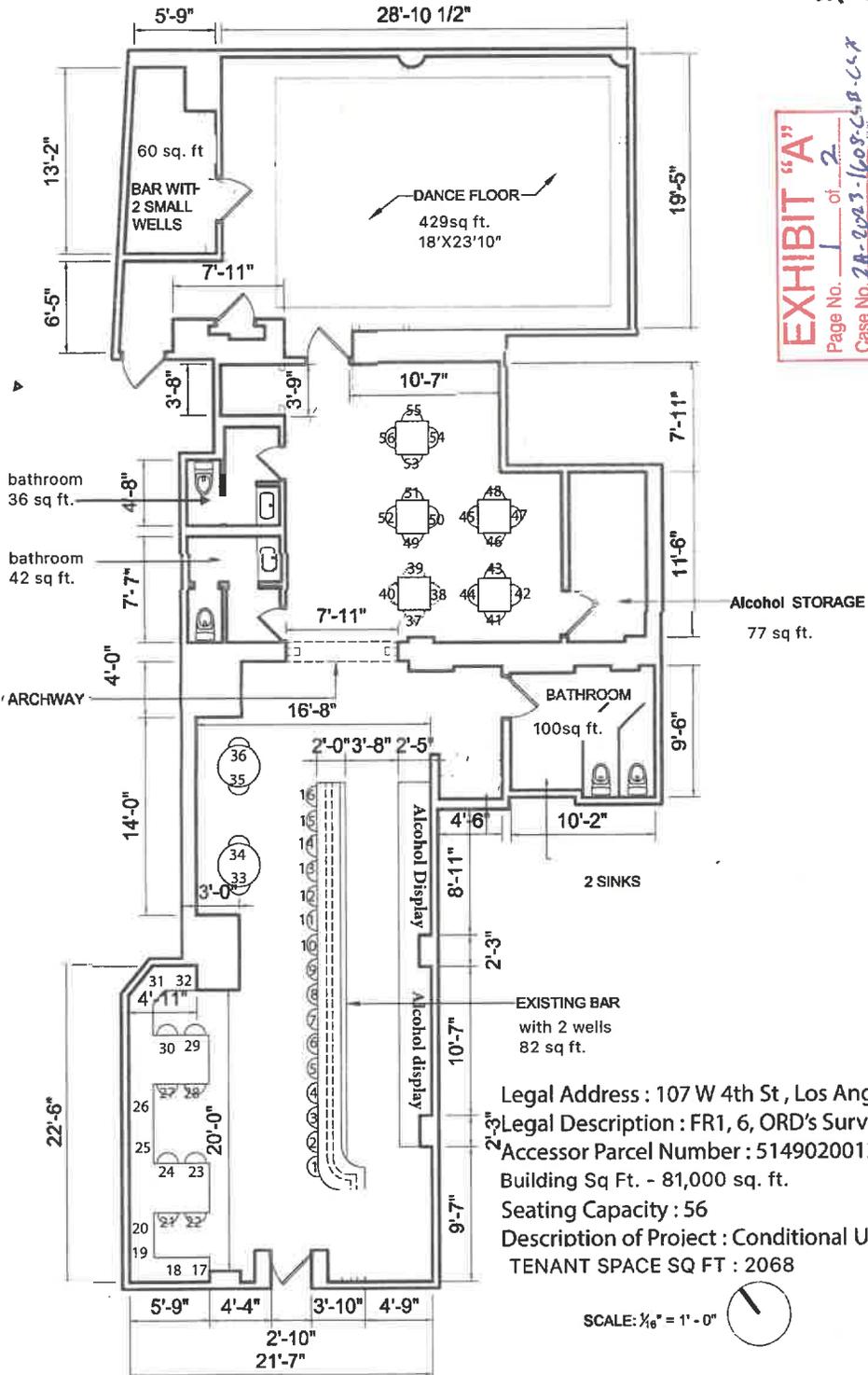
cc: Councilmember Kevin de León  
Fourteenth City Council District  
Adjacent Property Owners

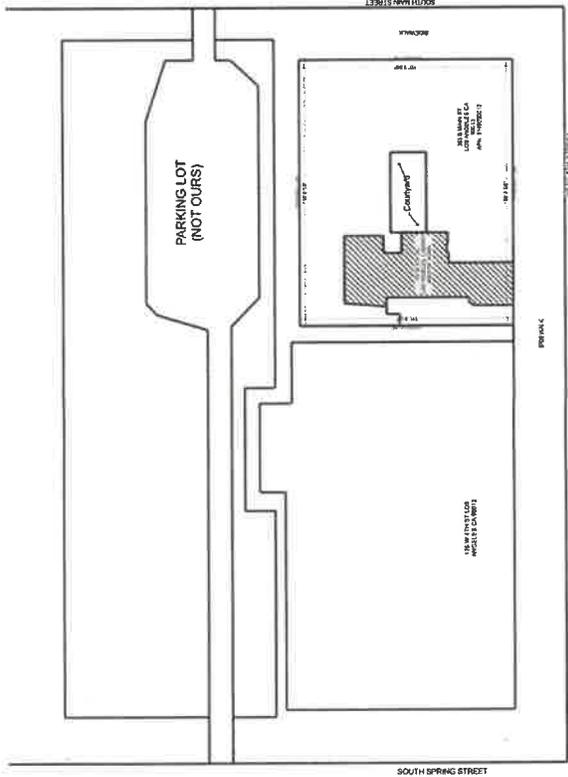
AUG 23 2023

CITY PLANNING  
PROJECT PLANNING

2A 2023-1608-CUB-CMX

EXHIBIT "A"  
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SCALE : 1/16" = 1'-0"

**EXHIBIT "A"**  
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