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Decision Date: May 14, 2024

Appeal Period Ends: May 29, 2024

Sam Sleiman (A)
The Upstairs LLC
1415 South Los Angeles Street,
Unit C
Los Angeles, CA 90015

The Haddadin Family Trust (O)
4115 Novel Court
Hacienda Heights, CA 91745

Liliger Damaso (R)
Liquorlicensebrokers.com
8737 Venice Boulevard, Unit 105
Los Angeles, CA 90034

CASE NO. ZA-2023-8378-CUB
CONDITIONAL USE
1415 South Los Angeles Street, Unit #C
Central City Plan Area
Zone : M2-2D
C.D. : 14 – de León
D.M. : 124-5A207 and 124-5A209
CEQA: ENV-2023-8379-CE
Legal Description: Lot FR 79, Josefa
Subdivision of the Celis Vineyard 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 (LAMC) Section 12.24 W.1, I hereby APPROVE:

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 comedy club in the M2-2D 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, in conjunction with a 5,850 square-foot comedy club. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 11:00 a.m. to 2:00 a.m., daily.
 - b. Interior seating shall be limited to a maximum of 225 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.

8. The authorization granted herein for the on-site sale and dispensing of a full line of alcoholic beverages is for a period of five (5) years from the effective date of this grant. Thereafter, a new authorization to allow these grants will be required. The applicant is advised that he/she should allow appropriate time for a new entitlement application to be processed and the application should be approved prior to the expiration of this grant in order to continue the sale of alcoholic beverages at the restaurant.
9. After hour use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
10. 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. The applicant shall provide at least two State licensed security guards on a daily basis and at least three State licensed security guards when the comedy club is completely pre-sold out with more than one show on a single night. The guards shall comply with the requirements of the California Business and Profession Code Section 7582.26(f).
12. State licensed security guards shall be provided. There shall be at least two security guards on duty at any one shift during operating hours and at least three State licensed security guards when the comedy club is completely pre-sold out with more than one show on a single night. Security personnel shall wear clothing or uniforms that are easily identifiable. The security guard shall regularly patrol the area under the control of the establishment to prevent loitering or undesirable activity by persons around the premises. The security guard must be certified by the State Department Bureau of Consumer Affairs, Bureau and Security and Investigative Services.
13. 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.
14. Parking shall be provided in compliance with the code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
15. **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 cash registers.

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.

16. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
17. Loitering is prohibited on and around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside at the rear and front of the subject facility.
18. **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.
19. 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.
20. 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.
21. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris and litter.
22. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.

23. 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.
24. 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.
25. 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.
26. **Private Events.** Any use of the comedy club 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.
27. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility that restrict, limit or obstruct the clear observation of the occupants.
28. 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.
29. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
30. The applicant shall not accommodate, arrange seating and tables for a dance floor, or endorse any patron dancing features in any fashion.
31. Entertainment in conjunction with the comedy club is limited to non-amplified solo guitarist and three-piece musical instruments. The comedy club shall be used as a live music concert venue.

32. All live stand-up comedy, entertainment, or performances shall be conducted only within an enclosed building.
33. All entrance, exit doors and windows to the premise shall be kept closed (not propped open) during the operation of the premise except in cases of emergency and to permit deliveries.
34. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
35. The establishment shall make an effort to control any unnecessary noise made by staff or any employees contracted by the comedy club, or any noise associated with the operation of the establishment, or equipment of the restaurant.
36. No portion of the comedy club space shall be deemed to be "private", for the purpose of dispensing alcoholic beverages to selected patrons.
37. There shall be no stand-alone-bar or lounge area upon the licensed premises maintained solely for the purpose of sales, service or consumption of alcoholic beverages.
38. The comedy club facility shall not be leased to promoters or music groups or similar entities for nightclub or concert activity at any time. The conduct of the business shall be under the direct control of the owner of the site and shall not be subcontracted on to other parties.
39. At no time will the premises host raves, a dance club, or other similar events. There shall be no admission or cover charge other than for the stand-up comedy shows or performances.
40. No coin-operated electronic, video or mechanical games, or pool or billiard tables shall be maintained upon the premises at any time.
41. Outside line queuing shall be limited to the rear of the subject tenant space. In the event that a line is formed, stanchions and/barriers will be used to create an organized, single-file line. The line shall not block other properties and vehicular access along the alley.
42. The security personnel shall, to a reasonable extent possible:
 - a. Control any patron queuing on they alley and public sidewalks.
 - b. Encourage patrons to exit quietly.
 - c. Monitor any crowd forming at the entrance and exit of the venue. Disperse loitering crowds during hours of operation and after the closure of each performance and the business at end of the day.
 - d. Prevent loitering at the entrance and exit of the business.
 - e. Security shall remain posted 30 minutes after end of business hours, and ensure loitering crowds are dispersed and not causing a noise disturbance.

43. Signs shall be posted outside indicating the lines, ID checkpoints, and any special instructions (e.g. age restrictions, prohibited items) to keep patrons informed and queues moving efficiently.
44. 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.
45. 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 back to the Downtown Los Angeles Neighborhood Council Planning and Landuse Committee.
46. There shall be no speakers or amplified sound permitted outdoors.
47. The applicant/owner shall contact and work with the Fashion District Business Improvement District and address any questions or concerns related to their operations.

ADMINISTRATIVE CONDITIONS

48. **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.
49. **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.

50. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval. The application, in association with the appropriate fees, shall be submitted to the Development Services Center, Department of City Planning, within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add, or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.
51. 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 their initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

52. 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.

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 April XX, 2024 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 a conditional use approval under the provisions of Sections 12.24 W.1 have been established by the following facts:

BACKGROUND

The project site is comprised of a single flat parcel encompassing a total of 6,445 square feet in the Fashion District of Downtown Los Angeles. The project site fronts South Los Angeles Street with a frontage of approximately 47.5 feet and a depth of approximately 135 feet. The project site is developed with a two-story commercial building with retail tenant spaces on the first-floor level and a dance hall on the second floor level. The project involves Unit #C which will convert the dance hall into a comedy club.

The property is zoned M2-2D with a land use designation of Light Manufacturing within the Central City Community Plan. The subject project is also located within a Transit Priority Area, State Enterprise Zone, Greater Downtown Housing Incentive Area, City Center Redevelopment Plan Area, an Urban Agriculture Incentive Zone, Fire District No. 1, a 500 Yr. Flood Zone, Methane Buffer Zone, and is within the Puente Hills Blind Thrust.

The applicant requests a Conditional Use to allow the sale and dispensing of a full-line of alcoholic beverages for on-site in conjunction with a 5,850 square-foot comedy club with hours of operation from 11:00 a.m. to 2:00 a.m., daily. The comedy club will provide a total of 225 seats. The entertainment venue will feature live entertainment including comedy acts and music performances. The project does not propose dancing.

SURROUNDING PROPERTIES

Properties surrounding the project site are located in the M2-2D and C2-2D-O Zones. These properties are developed with low- and mid-rise commercial and manufacturing developments which include retail shops, restaurants, and offices.

STREETS

South Los Angeles Street, adjoining the subject property to the east, is a designated Avenue II, dedicated to a Right-of-Way width of 86 feet and a Roadway width of 56 feet and is improved with asphalt roadway, concrete curb, and gutter.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

There are no previous cases, affidavits, permits, or any orders on the Applicant's Property.

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.

There were no previous Zoning Administrator determinations involving the sale of alcoholic beverages within 600 feet of the project site.

PUBLIC CORRESPONDENCE

A correspondence was received from the Downtown Los Angeles Neighborhood Council, dated April 9, 2024, stating support of the proposed project with eight recommended conditions.

A correspondence was received from Council District 14, dated April 30, 2024, stating they do not have any concerns currently on the proposed project.

PUBLIC HEARING

A public hearing was held virtually over Zoom Webinar on Wednesday, May 1, 2024 at 9:30 a.m.. 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.

Liliger Damaso, the project representative, presented a presentation and stated the following:

- Upstairs is the proposed comedy club in Suite C
- Located between 14th and 15th Street on Los Angeles
- New Conditional Use for full line of alcoholic beverages
- 5,580 square-foot nightclub with live entertainment with hours of operation from 11:00 a.m. to 2:00 a.m., daily
- Comedy Club, known as The Upstairs, for 225 patrons
- No outdoor is proposed
- Site is zoned M2-2D with a land use designation of M2-2D
- This is a 6,444 square-foot commercial building built in 1912
- Prior use was a dance club and undergoing transition to night club in the building permit
- Retail space on the first floor
- The hours are until 2:00 a.m., but will not be used everyday and an option
- The benefits of the comedy club include economic boost to the light manufacturing area, underutilization space, social interaction, cultural entertainment
- One alcohol establishment within 600-1,000 feet
- Applicant is proposing Type 90, but if they can't obtain, they will do beer and wine and Type 48
- Met with the Neighborhood Council, PLUM on March 19th and full board April 9; received letter of support
- Request to remove recommended Condition No. 4 of the Neighborhood Council letter in regards to the valet parking/rideshare with LADOT
- The site is in an Enterprise Zone and this is a change of use with no parking required
- Valet and rideshare proposal is too early
- Okay with all the other recommended conditions of the Neighborhood Council letter
- On April 22nd, met with the Fashion District Business Improvement District (BID) Director
- Emailed Council District 14 and they had no concerns

Sam Sleiman, the applicant, stated the following:

- This is a labor of love and among friends and did not come here just for cheap rents
- Father-in-law has owned the building for 25 years
- Knows the people who are here; embrace them; emotionally attached
- Used to be a film producer for 10 years
- Then worked in a boutique management company and represented writers, directors, Laugh Factory on Sunset Boulevard
- Met Enrique at the Laugh Factory

Enrique Salazar, representing the applicant team, stated the following:

- Ran the Ontario Improv
- Opened several clubs such as the Brea Improv, Irvine Improv, Copper Blues; Improv North Carolina, Laugh Factory San Diego, and other comedy clubs
- Tour management and managing comedians

In response to questions raised by the Zoning Administrator, Lilliger and the applicant team clarified and responded the following:

- Live entertainment will be played 45 minutes before a show and 45 minutes after a show
- Live entertainment will not be the same but will vary with a deejay, live music ranging from 1-3 piece
- No food will be served when they start; might have packaged food; or food truck
- Alcohol will be stored in storage area and will not be served from there
- No alcohol in green room
- Servers will bring drink; prepared at kitchen
- The prior use was a dance club
- Entrance is at the back of the alley
- Not proposing any noise attenuating; noise levels will not be loud
- Many of the surrounding uses close at 5:00 p.m.
- No additional parking is required
- There is a parking lot on Los Angeles and 15th Street and has been available for events; valet uses the parking to park cars
- There is plenty of available street parking
- Queuing will be by stanchions; will be controlled by lines by security; staff will clean up trash after the people go in from the lines
- There is usually one show on Tuesday, Wednesday and Thursday and it opens 45 minutes before and there will be no lines nor queue
- There will be queue lines Friday and Saturday at the alley or Los Angeles Street
- One security will be at the entrance and another inside the building/entry point
- Left messages/emails to LAPD Vice but did not hear back

One member of the public spoke in support of the project and stated the following:

- Very happy of the club
- The area is not doing well
- The use will add a dimension and more restaurants will come

The Zoning Administrator closed the public hearing and stated that this is subject to making the findings in review of the case, intends to conditionally grant approval of the case and may put a term grant due to the use. The case would be held under advisement for a period of one week to allow the applicant to submit revised plans indicating the how the customers will enter and exit the facility and how queue of the lines will be addressed.

Following the public hearing, the applicant submitted revised plans and a business plan.

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.

- No cocktail lounge shall be maintained on the premises separate from the dining area.
- 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.
- There shall be no cocktail lounge or separate bar area.
- 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.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- 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.

- Alcohol may only be served to patrons who are seated at a table or seated at the bar and only in conjunction with a food order. Patrons shall not be served while standing or while waiting to be seated.

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 and dispensing of a beer and wine for on-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

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

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 project involves a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site in conjunction with the proposed comedy club. The proposed comedy club will occupy an existing second-floor tenant space within a two-story commercial building. The comedy club will maintain 5,850 square feet and provide a total of 225 seats. The proposed hours of operation are from 11:00 a.m. to 2:00 a.m., daily.

A variety of commercial uses 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 Fashion District of Downtown Los Angeles, a highly-urbanized community comprised of commercial, office, residential, manufacturing, and parking uses. The availability of alcoholic beverages ancillary to entertainment venues is consistent with many theaters and nightclubs in Los Angeles. The ancillary sale of a full line of alcoholic beverages will help augment the desirability of the subject comedy club, thereby supporting the vibrancy and longevity of the surrounding neighborhood. The comedy club will provide residents and visitors more nightlife activities to choose from and will bolster economic vitality in the neighborhood. High-quality entertainment venues are a desired amenity in mixed-use neighborhoods that provide more diverse dining, commercial, and residential living options. In addition, the project will provide new opportunities for employment within the community, as well as provide tax revenue to the City.

In addition, the project is does not propose the expansion of the existing commercial building and will not feature dancing. Furthermore, the grant to allow the alcohol service 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 proposed project involves a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site in conjunction with the proposed comedy club. The proposed comedy club will occupy an existing second-floor tenant space within a two-story commercial building. The comedy club will maintain 5,850 square feet and provide a total of 225 seats. The proposed hours of operation are from 11:00 a.m. to 2:00 a.m., daily. The project site is comprised of a single parcel encompassing a total of 6,445 square feet in in Downtown Los Angeles. The project site fronts South Los Angeles Street to the east with a frontage of approximately 47.5 feet and a depth of approximately 135 feet. The project involves a new comedy club located within a second-floor commercial tenant space (Unit #C) of a two-story commercial building.

Properties surrounding the project site are located in the M2-2D and C2-2D-O Zones. These properties are developed with low- and mid-rise commercial and manufacturing developments which include retail shops, restaurants, and offices.

The proposed operation will be compatible with the surrounding properties as it will enhance economic activity within Downtown Los Angeles and provide residents and visitors a new entertainment venue to enjoy through scheduled comedy acts and music performances with ancillary alcohol service. The use and location of this community-serving project are appropriate given the neighborhood context as well as the policies and zoning governing the project site.

The Conditional Use allows the sale of alcohol and it will be ancillary to the live performances provided by the comedy club. Alcohol service is common in entertainment venues such as theaters and nightclubs. There will be no dancing. The use and location of this project are appropriate given the neighborhood context as well as the policies and zoning governing the project site. Conditions have also been imposed to encourage responsible management, deter criminal activity, address nuisances, promote security and safety, and ensure compatibility with the surrounding neighborhood. Furthermore a five year term limit has been included to allow the Zoning Administrator to observe the effectiveness of the proposed queueing lines. The conditions will ensure surrounding uses will not be adversely affected and the project will remain compatible with these uses. The project will not 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 site is located within the Central City Community Plan Area and designates the land use as Light Manufacturing with the corresponding zones MR2 and M2. The subject site is zoned M2-2D and is thus in conformance with the land use designation. The "D" Limitation limits the floor contained in all buildings to three (3) times the buildable area of the lot. The "D" Limitation will not have an effect on the request to permit the sale and dispensing of alcohol.

The Central City Community Plan acknowledges the substantial amount of commercial, office, and residential development in the Downtown Los Angeles. Economic and revitalization efforts continue to promote Downtown Los Angeles as the economic center for the region and California, with numerous projects promoting new residential development and business investments in commercial, office, retail, manufacturing, and tourism that expand employment opportunities. One of the Visions outlined in the Central City Community Plan encourages the preservation and enhancement of the positive characteristics of existing uses which provide the foundation for community identity. In regard to the Commercial land uses, the Plan acknowledges the lack of the necessary mix of retail to attract a variety of users to the downtown area in the evenings and on weekends and identifies vacant office and retail spaces as opportunities for revitalizing the commercial, night life, and entertainment character of the neighborhood. The proposed request addresses these challenges by introducing a new entertainment venue for local residents, workers, and visitors to enjoy.

The Community Plan text is silent with regards to alcohol sales, therefore in such cases the Zoning Administrator must interpret the intent of the Plan. Approval of the applicant's request is consistent with the Plan's objectives and policies, including:

- *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 2-2: To retain the existing retail base in Central City;*

- *Policy 2-2.1: Focus on attracting businesses and retail uses that build on existing strengths of the area in terms of both the labor force, and businesses.*
- *Objective 2-4: To encourage a mix of uses which create an active, 24-hour downtown environment for current residents and which would also foster increased tourism;*
 - *Policy 2-4.1: Promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce pockets of activity.*

The project supports the Community Plan's Commercial Objectives and Policies by providing a desirable and beneficial service to the community. It will contribute to the commercial vibrancy and economic investment of Downtown Los Angeles while offering the sale of alcoholic beverages to enjoy at the subject comedy club. Furthermore, the project will increase pedestrian activity and employment opportunities in the area by bringing in uses that serve the immediate area. The ancillary sale of alcoholic beverages will augment the desirability of the subject establishment which will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy.

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

The subject property is located in the M2-2D 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 comedy club use is permitted by-right and is appropriate given the surrounding context and General Plan land use designation. The subject comedy club will occupy the second-floor tenant space (Unit #C) within a two-story commercial building and will contribute to the commercial character of the community. Patron seating will be limited to 225 interior seats. The proposed project will feature live entertainment, including comedy acts and music performances. The project does not propose dancing.

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. The applicant is proposing a comedy club with minimal potential for noise impacts and other nuisance-type activity as operations will take place solely within the second-floor tenant space. 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-site consumption in conjunction with a proposed comedy club 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, there are three (3) on-sale and two (2) off-sale allocated to the subject census tract (Census Tract 2240.10). Currently, there are two active on-site licenses and three active off-site licenses in this census tract.

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 licenses exceeds the overall number allocated to the subject census tract, the addition of an on-site sale license would be within the number of allocated. A higher number of alcohol-serving establishments is to be expected in an area which functions as a major commercial corridor with a variety of commercial services and amenities. In active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial 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. The project will provide a valuable amenity and desirable service that will support the vibrancy and longevity of Downtown Los Angeles's Fashion District. The proposed comedy club will offer a new entertainment

venue that will cater to the local community, draw visitors, increase employment opportunities, business growth, and tax revenue.

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 195, which has jurisdiction over the subject property, a total of 410 crimes and arrests were reported in 2023 (290 Part I - Crimes and 120 Part II - Arrests), Citywide Average of 162 crimes and the High Crime Reporting District Average of 194 crimes for the same period. In 2023, alcohol-related Part II crimes reported include Narcotics (13), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (39), DUI related (11), Moving Traffic Violations (4), Miscellaneous Other Violations (15) and other offenses (7). 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 proposes a desirable use that will promote nightlife and pedestrian activity in the neighborhood. 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 project site is zoned for light manufacturing and commercial uses and will be utilized as such with the operation of the proposed comedy club. The following sensitive uses and alcohol-serving establishments are located within a 1,000-foot radius of the site:

- Jardin de la Infancia School, 1400 South Broadway
- Multi-Family Residential Uses
- Religious Institutions

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive use. 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. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to the Downtown Los Angeles community and will continue to serve the neighboring residents, local employees, and visitors. Therefore, as conditioned, the project will not detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

FLOOD HAZARD FINDING

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 within a 500 year flood zone.

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://BuildLA.appointments.lacity.org) portal (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

Inquiries regarding this matter shall be directed to David Woon, Planning Staff for the Department of City Planning at (213) 978-1368.

A handwritten signature in blue ink, appearing to read 'Christina Lee', positioned above the printed name.

CHRISTINA LEE
Associate Zoning Administrator

CL:EA:DW:nm

cc: Councilmember Kevin de León
Fourteenth Council District
Adjoining Property Owners
Interested Parties