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Decision Date: June 20, 2024

Last Day to Appeal Decision: July 5, 2024

Brian Lee (A)
Bar Memento LLC
3333 Wilshire Boulevard #607
Los Angeles, CA 90010

Thousand Gold LLC (O)
3470 Wilshire Boulevard #700
Los Angeles, CA 90010

Eddie Navarrette (R)
FE Design & Consulting
327 East Second Street #222
Los Angeles, CA 90012

CASE NO. ZA-2024-1511-CUB
CONDITIONAL USE PERMIT
3345 West Wilshire Boulevard (3345 -
3351 West Wilshire Boulevard; 634 -
642 South Kenmore Avenue)
Wilshire Community Plan Area
Zone : C4-2
C.D. : 10 - Heather Hutt
D.M. : 132B197
CEQA : ENV-2024-1512-CE
Legal Description: Lots 1 – 4; Chapman
Park Tract

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

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

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

a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed bar, in the C4-2 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 beer and wine for on-site consumption in conjunction with a proposed 1,728 square-foot bar. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 11:00 a.m. to 1:00 a.m., daily.
 - b. Indoor seating shall be limited to a maximum of 43 seats total. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - c. Outdoor seating shall be prohibited.

8. After hour use shall be prohibited, except routine clean-up, food preparation, construction, inventory or other maintenance type activities. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. Parking shall be 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.
10. 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.
11. Entertainment in conjunction with the bar is limited to ambient music to complement the experience and shall be limited to background music at a low volume. Independent, professional or amateur disc jockeys are prohibited.
12. There shall no Adult Entertainment of any type pursuant to LAMC Section 12.70.
13. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
14. 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.
15. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
16. 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.
17. **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.

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.

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. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. **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.

ADMINISTRATIVE CONDITIONS

26. **Expedited Processing Section Fee.** 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.
27. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C 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. At any time, 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. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
28. 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.
29. A Plan Approval shall be required if there is any change in the property ownership and/or the business owner/operator for these premises, so as to evaluate the applicability of existing conditions and any review of potential changes in the mode and character of the new operation. Prior to any review, the local neighborhood council shall be notified and provided an opportunity for review and recommendation.
30. 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.

31. 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. Unless otherwise provided in Chapter 1A, Chapter 1 (General Provisions and Zoning), or in a project's conditions of approval, any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision makers that is not effectuated within three years of its effective date becomes null and 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 13A.2.7.G. of the Los Angeles Municipal Code provides:

A Quasi-judicial action or any conditional approval granted by the Director, pursuant to

the authority of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code 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 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 or Chapter 1 (General Provisions and Zoning), shall constitute a violation of this Chapter or Chapter 1 (General Provisions and Zoning) and shall be subject to the same penalties as any other violation of this Code.

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 public comments received 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 and prerequisites for approving a conditional use as enumerated in Section 12.24 W of the Municipal Code have been established by the following facts.

BACKGROUND

The property is comprised of four (4) lots measuring approximately 30,020 square feet located on Wilshire Boulevard in the Wilshire Community Planning Area. The subject property has a frontage of 201 feet along Kenmore Avenue, and a frontage of 154 feet along Wilshire Boulevard. The property is zoned C4-2 with a Regional Center Commercial land use designation within the Wilshire Center/Koreatown Redevelopment Project Area, and the Adaptive Reuse Incentive Area. The property is also located within the Transit Priority Area in the City of Los Angeles, and an Urban Agriculture Incentive Zone. The property is not located within a Very High Fire Hazard Severity Zone, Hazardous Waste Site, Landslide, High Wind Velocity Area nor within a Liquefaction area. The subject property is located approximately 0.116 kilometers from the Puente Hills Blind Thrust Fault. The property is currently developed with an existing 30,020 square foot, twelve-story, office building with an adjacent parking structure. The subject bar is 1,728 square feet with 43 indoor seats, located on the ground floor of the building.

The subject request includes a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 1,728 square foot bar with 43 indoor seats and proposed hours of operation from 11:00 a.m. to 1:00 a.m. daily, in the C4-2 Zone.

SURROUNDING PROPERTIES

Surrounding properties are within the C4-2, and CR-2 zones and are generally developed with commercial and residential uses. The abutting property to the north is zoned CR-2 and is improved with a multi-family residential structure. Properties to the south across Wilshire Boulevard are zoned C4-2 and are developed with a mixed-use development and educational uses. The properties to the west across Kenmore Avenue are zoned C4-2 and CR-2 and are developed with a mixed-use development and multi-family residential uses. The abutting property to the east is zoned C4-2 and is developed with commercial/office uses.

STREETS

Kenmore Avenue, adjoining the subject property to the west, is a Local Street – Standard with a dedicated right-of-way width of 60 feet and is improved with curb, gutter, and sidewalk.

Wilshire Boulevard, adjoining the subject property to the south, is a designated Avenue I with a dedicated right-of-way width of 100 feet and is improved with curb, gutter, sidewalk, and street trees.

Previous relevant cases on the subject property:

Case No. ZA-2015-1220-ZAD-ZAA – On December 29, 2015, the Zoning Administrator approved an adjustment from Section 5(B)1 of the Adaptive Reuse Incentive Areas Specific Plan (Ordinance No. 175,038) and from Section 12.22-A.26(i)(1) to permit an average floor area of 546 square feet in lieu of the required 750 feet in conjunction with the adaptive reuse of an existing commercial office building.

Cases on Surrounding Properties:

A search of relevant cases within 600-feet of the project site utilizing PTCS was conducted.

Case No. ZA-2023-1831-CUB – On July 14, 2023, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant, located at 3500 West 6th Street #101.

Case No. ZA-2021-10635-CUB – On October 26, 2022, the Zoning Administrator approve a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with an existing mini-market in the C2-1 Zone; and approved a conditional use to allow the continued sale of beer and wine for off-site consumption in conjunction with an existing mini-market in the C2-1 Zone; and approved a conditional use to allow hours of operation beyond the 7a.m. and 11 p.m. otherwise permitted within a Commercial Corner/Mini-Shopping Center in the C2-1 Zone, located at 3325 West 6th Street.

Case No. ZA-2019-4719-CU-MCUP-ZV-SPR-WDI – On March 17, 2022, the Zoning Administrator approved a Conditional Use to permit a hotel within 500 feet of a residential zone; approved a Master Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed hotel; approved a Zone Variance from Section 12.26-E,5 of the municipal code to provide code required off-site parking spaces via a lease agreement in lieu of a parking covenant; Conditionally Approve a Site Plan Review for the change of use of an existing office building into a new, hotel with 52 hotel guestrooms, and 6,570 square feet of restaurant/bar space in the C2-2 Zone; and approved a Waiver of Dedication and Improvement to waive the required dedication and improvements of an eight-foot dedication along 6th Street, a designated Avenue II, located at 3418 - 3434 West 6th Street.

Case No. ZA-2021-6552-CUB – On December 21, 2021, the Zoning Administrator approved a Conditional Use Permit to allow the sale of beer and wine for off-site consumption in conjunction with an existing retail food market in the C4-2 Zone, located at 3339 West Wilshire Boulevard.

Case No. ZA-2021-7003-CUB – On December 14, 2021, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on and off-site consumption in conjunction with an existing restaurant in the (Q)C4-2 Zone, located at 3377 Wilshire Boulevard Suite 103.

Case No. ZA-2021-2963-MPA – On September 7, 2021, the Zoning Administrator approved a Master Plan Approval to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 1,612 square foot restaurant with 24 indoor seats and hours of operation from 11 :00 a.m. to 2:00 a.m. daily in an existing plaza in the C2-1 Zone, located at 3465 W. 6th Street, Unit 50.

Case No. ZA-2020-1693-CUB – On October 30, 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 with live entertainment, located at 3330 West Wilshire Boulevard.

Case No. ZA-2019-6981-CUB – On July 14, 2020, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant in the (Q)C4-2 Zone, located at 3377 West Wilshire Boulevard #110 & 111.

Case No. ZA-2019-6978-CUB – On July 09, 2020, the Zoning Administrator approved a Conditional Use to allow the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant in the (Q)C4-2 Zone, located at 3377 West Wilshire Boulevard #109.

Case No. ZA-2019-4817-CUB – On May 11, 2020, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for onsite consumption in conjunction with an existing restaurant, located at 3320-3324 West 6th Street E-1.

Case No. ZA-2019-4237-CUB – On April 20, 2020, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant in the C2-2 Zone, located at 3450 West 6th Street, #101.

Case No. ZA-2019-4471-CUB – On March 5, 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 restaurant/bar/lounge in the C4-2 Zone located at 3322, 3324, 3326, 3328, and 3330 West Wilshire Boulevard, Suite 100.

Case No. ZA-2019-3360-CUB – On December 6, 2019, the Zoning Administrator approved a conditional use to allow the sale and dispensing of a beer and wine for on-site consumption, in conjunction with a proposed restaurant in the C2-1 and R4-2 Zone, and approved a Conditional Use Permit to allow the hours of operation of 11:00 a.m. to 2:00 a.m., Friday through Sunday, in lieu of 7:00 a.m. to 11:00 p.m., daily, as restricted by Mini-Shopping Center/Commercial Corner regulations, located at 3465 West 6th Street, Unit 160.

Case No. ZA-2019-3479-CUB – On November 20, 2019, the Zoning Administrator approved a conditional use to allow the sale and dispensing of a beer and wine for on-site consumption, in conjunction with a proposed 1,275 square foot restaurant in the C2-1 and R4-2 Zone, and approved a Conditional Use Permit to allow the hours of operation of 11:00 a.m. to 2:00 a.m., Friday through Sunday, in lieu of 7:00 a.m. to 11:00 p.m., daily, as restricted by Mini-Shopping Center/Commercial Corner regulations, located at 3465 West 6th Street, Unit 80.

Case No. ZA-2019-911-CUB-CUX – On October 24, 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 restaurant/karaoke studio/nightclub venue in the C4-2 Zone; and approved a Conditional Use Permit to allow public patron dancing, in conjunction with the live entertainment within the existing restaurant/music studio/nightclub venue in the C4-2 Zone, located at 3319 West Wilshire Boulevard.

Case No. ZA-2019-414-CUB – On September 18, 2019, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant in the C2-1 Zone, located at 3465 West 6th Street, Unit Nos. 90 & 100.

Case No. ZA-2019-2221-CUB – On September 11, 2019, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant in the C2-2 Zone, located at 3300 West 6th Street, Unit #1.

PUBLIC CORRESPONDENCE

Correspondence dated May 13, 2024, was received from Chris Hwang, Chair of the Wilshire Center-Koreatown Neighborhood Council Planning and Land Use Management

Committee in support of the requested entitlement.

PUBLIC HEARING

A public hearing was held before the Zoning Administrator on June 11, 2024, at 10:00 a.m. via Zoom. The hearing was attended by the applicant's representative,

The hearing was attended by Matthew Mello, the applicant's representative, and the applicant, Brian Lee.

Mr. Mello made the following statements:

- The site is located at 3345 Wilshire Boulevard and will be known as Bar Memento.
- The applicant is responsible and owns a very successful sandwich shop called Open Market. The menu highlights local ingredients.
- The site is centered in the Koreatown neighborhood.
- This bar would be an extension of the Koreatown Wine Club and create a place to congregate and continue to focus on education, products and various styles of wine.
- The project sits on Wilshire Boulevard, a very busy corridor. It will be in a space that used to be a FedEx store.
- The bar will be within the first floor of the office building, and will have main bar seating and some table seating along the windows.
- The project was presented to the Wilshire Center Koreatown Neighborhood Council, and their letter should be submitted to the file. We also met with CD10 and they tacitly supported the project. No letter was received. LAPD is unopposed. We reached out to Sgt. Castellanos who indicated he is unopposed.

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

At the conclusion of the public hearing, the Zoning Administrator stated he would grant the request for a conditional use subject to standard conditions of approval.

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

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.

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 beer and wine for on-site consumption be authorized, certain designated findings have to be made.

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 subject site is located along a heavily traveled commercial corridor. The property is currently developed with an existing 30,020 square foot, twelve-story, office building with an adjacent parking structure. The subject bar is 1,728 square feet with 43 indoor seats, located on the ground floor of the building in the Wilshire Center-Koreatown neighborhood. The proposed project involves the sale and dispensing of beer and wine for on-site consumption in conjunction with a 1,728 square foot proposed bar with 43 indoor seats. Proposed hours of operation for all establishments are from 11:00 a.m. to 1:00 a.m., daily.

The proposed bar will provide a valuable amenity to those who live, work, or visit the area. Approval of the request will contribute to the nature of the development in an area that caters to a variety of needs, and provides a variety of dining and entertainment options for residents, visitors and employees. The mode and character will be a bar, but there will be food options for patrons. The applicant stated that this would also be a place the Koreatown Wine Club to meet and share information and discuss wine. Patrons will be able to enjoy wine and food. This bar would be a viable option to meet and dine in the Koreatown area.

The project site is located within a Regional Center Commercial land use designation which contains a diversity of uses that complement each other, this includes a variety of neighborhood servicing uses such as local bars. The subject bar would provide the surrounding residential and commercial uses with additional social and gathering options within the community.

The project will contribute to the ongoing development of the area and will serve the community. The proposed bar will activate a formerly vacant tenant space located on the ground floor of the existing office property at the northwest corner of Wilshire Boulevard and Catalina Street. Approval of the request will contribute to the nature of the development in the area which caters to a variety of needs and provides a variety of alternative to dining options for residents, visitors, and

employees. Further, approval of the request will provide the opportunity for enhanced dining and bar options within walking distance for nearby residents, employees and visitors of the area and support a more pedestrian friendly environment, thereby enhancing the built environment in the surrounding neighborhood and providing a service that is essential or beneficial to the community.

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 bar will be compatible with the surrounding neighborhood and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety. The property is improved with an existing 30,020 square foot, twelve-story, office building with an adjacent parking structure. The subject bar is 1,728 square feet with 43 indoor seats, located on the ground floor of the building. The property is zoned C4-2 with a Regional Center Commercial land use designation within the Wilshire Community Planning Area.

The Conditional Use authorizes the sale and dispensing of beer and wine for on-site consumption in conjunction with the proposed bar located on the ground floor in an existing office building. The bar will be allowed to operate from 11:00 a.m. to 1:00 a.m., daily, as part of the conditional use grant. The surrounding land uses consist of a variety of commercial, office, educational and residential uses. Surrounding properties are within the C4-2, and CR-2 zones and are generally developed with commercial and residential uses. The abutting property to the north is zoned CR-2 and is improved with a multi-family residential structure. Properties to the south across Wilshire Boulevard are zoned C4-2 and are developed with a mixed-use development and educational uses. The properties to the west across Kenmore Avenue are zoned C4-2 and CR-2 and are developed with a mixed-use development and multi-family residential uses. The abutting property to the east is zoned C4-2 and is developed with commercial/office uses.

This grant includes conditions of approval that encourage responsible management, ensure mode and character, address potential nuisances, and deter criminal activity. There is no live entertainment and dancing proposed. These conditions will ensure that the operation will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety by ensuring security and safety, provide STAR training, and responsible management. In addition, a 24-hour complaint hotline telephone number and email address are required to be posted on the site to allow the community to inform the applicant/operator of any complaints due to the operation of the subject bar. The conditions of the grant will ensure that the location and other characteristics of the use of the subject site will be compatible with and will not adversely affect or 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 City of Los Angeles' General Plan consists of elements that dictates policies that provides the regulatory environment in managing the City and addressing environmental issues. The subject site is zoned C4-2 and is located in the Wilshire Community Plan Area, the Wilshire Center/Koreatown Redevelopment Project Area, and the Adaptive Reuse Incentive Area. The property is also located within the Transit Priority Area in the City of Los Angeles, and an Urban Agriculture Incentive Zone.

The grant allows a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 1,728 square foot bar with 43 indoor seats and proposed hours of operation from 11:00 a.m. to 1:00 a.m., daily, in the C4-2 Zone.

The Wilshire Community Plan Map designates the property for Regional Center Commercial land use with the corresponding zones of CR, C1.5, C2, C4, P, PB, RAS3, RAS4, R3, R4, and R5 and limited to Height District No. 2. The land use designation and surrounding zoning permits for a variety of mixed commercial and residential uses including the proposed bar. The Wilshire Community Plan does not clearly discuss alcohol sales however, the conditional authorization for the sale and dispensing of beer and wine for on-site consumption within the subject site is allowed through the approval of the Zoning Administrator, subject to certain findings.

The purpose of the Wilshire Community Plan is to promote an arrangement of land uses, streets and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community in conformance with the goals, policies and objectives of local and regional plans and policies.

The proposed use of the subject site is consistent with and aids to advance the following goal, objective, and policy identified in the Wilshire Community Plan.

- | | |
|-----------------------|--|
| <i>Goal 2</i> | <i>Encourage strong and competitive commercial sectors which promote economic vitality and serve the needs of the Wilshire Community through well-designed, safe and accessible areas, while preserving historic and cultural character.</i> |
| <i>Objective 2-1</i> | <i>Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.</i> |
| <i>Policies 2-1.3</i> | <i>Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.</i> |

The availability of the sale and dispensing of beer and wine for on-site consumption is often an expected amenity of local bars. Moreover, the proposed use will contribute to furthering the development of the area. Therefore, the use of the subject site conforms to the intent, purpose, and provisions of the General Plan and the Wilshire Community Plan and advances the goals and policies and intent of the plan by offering a service that will address the needs of the visitors and residents in the community.

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

The subject site is located in the Wilshire Community Plan area. The property is developed with an existing office building with commercial uses on the ground floor, and is zoned for commercial uses. The proposed sale and dispensing of beer and wine for on-site consumption in conjunction with the proposed bar located on the ground floor within the existing office building is a use that is allowed by the underlying zoning. The Wilshire Community Plan area encompasses several commercial thoroughfares that provide residents and visitors with a variety of service uses. The availability of amenities such as on-site consumption of beer and wine in association with community serving establishments encourages the success of a local businesses. The location is proper in relation to adjacent uses as it is located on a site zoned for commercial uses and surrounded by a varied assortment of urban uses.

The proposed use will contribute to the continued development of the area. The grant authorized herein incorporates several conditions which have been imposed upon the project site to maintain its compatibility with the character of the immediate neighborhood. With oversight from the California Department of Alcoholic Beverage Control and specific conditions that are imposed upon the bar, the project will be compatible with the character of the immediate neighborhood. The Zoning Administrator has imposed conditions to safeguard peaceful enjoyment and quality of life for neighboring properties. Other conditions imposed will maintain the order and ensure cleanliness of the project and its surroundings. Therefore, the granting of the request will not adversely impact 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, three (3) on-sale and one (1) off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 2121.01. Data provided on the ABC's License Query System indicate that there are 14 existing on-site and five (5) existing off-site alcoholic beverage licenses within the subject Census Tract.

According to statistics provided by the Los Angeles Police Department Olympic Division, which has jurisdiction over the subject property within Crime Reporting District No. 2027, a total of 322 crimes were reported in 2023 (278 Part I Crimes and 44 Part II Arrests) compared to the citywide average of 162 crimes and arrests and the high crime average of 194 crimes for 2023. In 2023, there were (9) Narcotics, (0) Liquor Law, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, and (3) DWI related arrests. 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.

Concentration can be undue when the addition of a license will negatively impact a community. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license will benefit the public welfare and convenience. The subject site is located within a Census Tract where the number of active on-site ABC licenses exceeds ABC guidelines above the number allocated for the census tract. The crime rate in the reporting district where the subject site is located is also substantially higher than those rates identified for the City. The subject site is located in a community with a high number of entertainment venues, hotels, restaurants and bars, accounting for the higher number of licensed premises as well as the area's high crime rate. Moreover, no evidence was submitted to the record establishing any link between the subject site and the area's crime rate. The request is to authorize the sale and dispensing of beer and wine in conjunction with a proposed bar located on the ground floor in an existing office building. The sale and dispensing of beer and wine for on-site consumption in the proposed bar with the conditions of approval is not expected to result in any nuisance activity or contribute to the areas crime rate.

The bar will activate a vacant tenant space on the ground floor in an existing office building that is located along a commercial corridor where there is a concentration of retail, entertainment, restaurants, and offices, therefore an establishment such as the subject site is anticipated. Negative impacts commonly associated with the sale and dispensing of beer and wine such as criminal activity, public drunkenness, and loitering are minimized by the conditions of approval that are imposed by this grant. Therefore, approval of the request will not contribute to the area's crime and will not result in an undue concentration of licensed premises.

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 be utilized as such with the proposed use of the subject site. There are sensitive uses located within a 1000-foot radius of the subject site. The approval of the grant is not anticipated to impact the sensitive uses or residentially zoned communities negatively by the sale, dispensing, on-site consumption of beer and wine in conjunction with the proposed bar located on the subject site. The project is consistent with the zoning and in keeping with the existing uses adjacent to the project site. The Zoning Administrator has considered the distance of the subject establishment from the nearby sensitive uses. The conditions of the grant address safety, noise and security to protect the health, safety and welfare of the community. The availability of beer and wine for on-site consumption within the proposed bar will contribute to the continued development of the Wilshire/Koreatown community and will serve residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone 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	Van Nuys DSC	West Los Angeles DSC
(213) 482-7077	(818) 374-5050	(CURRENTLY CLOSED)
201 N. Figueroa Street	6262 Van Nuys Boulevard	(310) 231-2901
Los Angeles, CA 90012	Van Nuys, CA 91401	1828 Sawtelle Boulevard
planning.figcounter@lacity.org	planning.mbc2@lacity.org	West Los Angeles, CA 90025
		planning.westla@lacity.org

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). 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

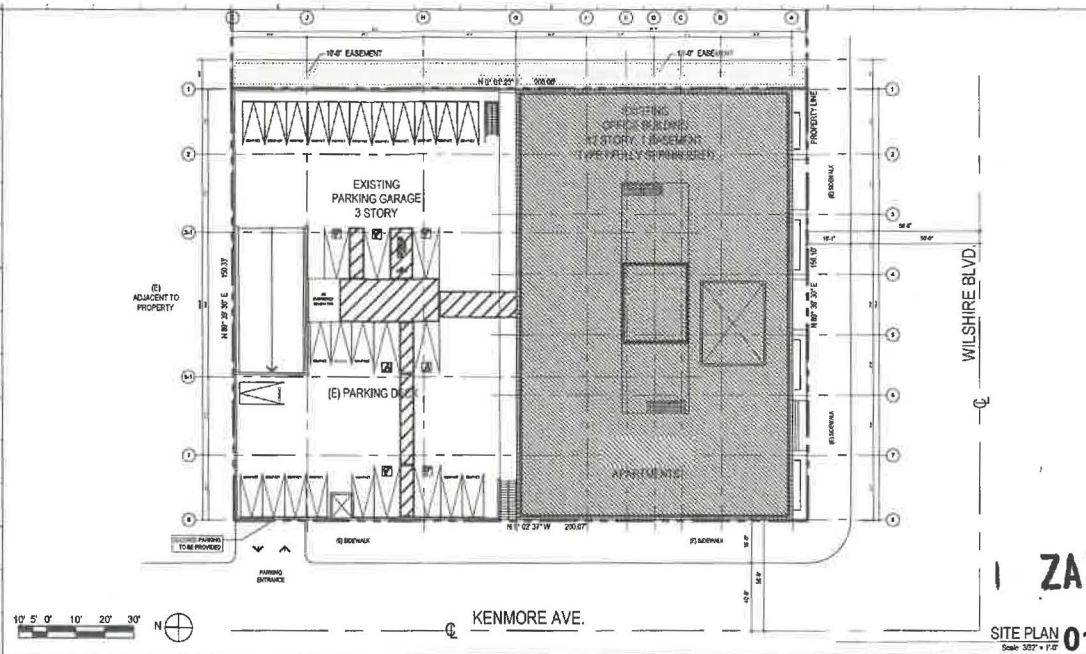
Inquiries regarding the matter shall be directed to Michelle Carter, Department of City Planning at michelle.carter@cityofacounty.org or (213) 978-1262.



HENRY CHU
Associate Zoning Administrator

HC:MC:nm

cc: Councilmember Heather Hutt
Tenth Council District
Adjoining Property Owners



ZA2024-1511-CUB

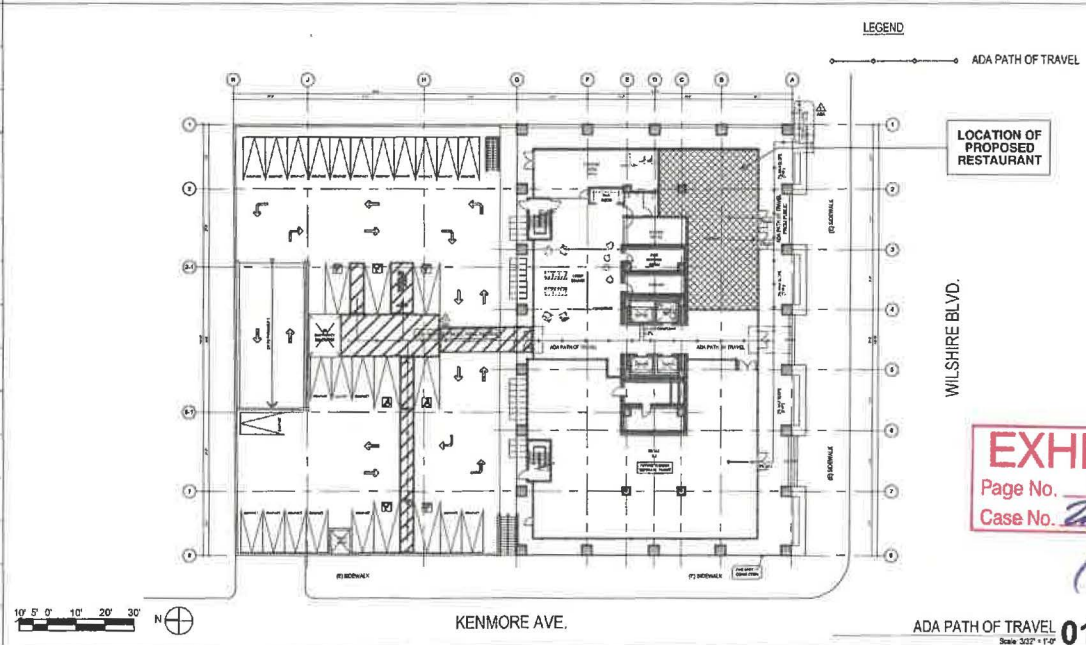


EXHIBIT "A"
Page No. 1 of 1
Case No. ZA-2024-1511-CUB
AD

GUNTHERMOTZ
ARCHITECT

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CALIFORNIA, 90048
T: (310) 859-8320
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THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE REPRODUCED OR USED IN ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT. WRITTEN DIMENSIONS SHALL BE VERIFIED ON THE JOBSITE. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO COMMENCEMENT OF ANY WORK.

TENANT IMPROVEMENT
3345 Wilshire Blvd.
Los Angeles, CA
90010

NAME	DATE	DESCRIPTION

PROJECT NO:
DATE: 11/29/23
STATUS:
CD - PERMIT SET
NOT FOR CONSTRUCTION

SITE PLAN
ADA PATH OF TRAVEL

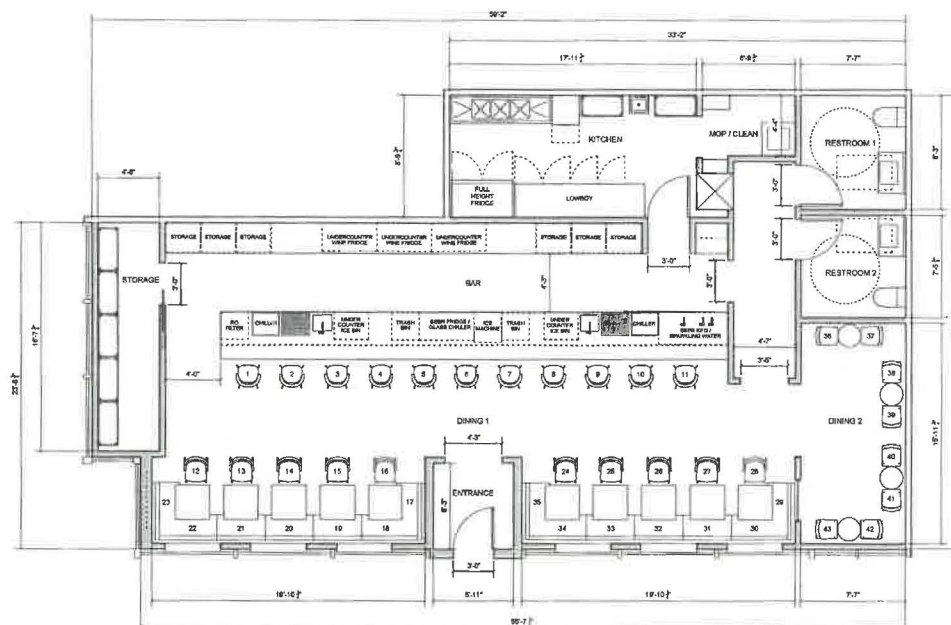
A0.1

1 of
PLOT STAMP: 11/29/23



8621 ASHCROFT AVE
WEST HOLLYWOOD
CALIFORNIA 90048
T: (310) 859-8920
gwnet@v.netcom.com

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TOTAL AREA: 1,727.2 SQ. FT.
ENTRY: 37.50 FT.
DINING 1: 560.50 FT.
DINING 2: 120.50 FT.
BAR: 406.50 FT.
KITCHEN: 206.50 FT.
RESTROOM 1: 63.50 FT.
RESTROOM 2: 57.50 FT.
WALL: 71.50 FT.
STORAGE: 75.50 FT.

TENANT IMPROVEMENT

3345 Wilshire Blvd.
Los Angeles, CA
90010

MARK	DATE	DESCRIPTION

PROJECT NO:

DATE: 11/18/23

STATUS:

CD - PERMIT SET
NOT FOR CONSTRUCTION

FLOOR PLAN

EXHIBIT "A"
Page No. 2 of 2
Case No. CA-2024-1581-Sub A1.0

FD

PLOT STAMP: 11/28/23