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CASE NO. ZA 2011-0419(CUB)(PA1)
LETTER OF CLARIFICATION
1356 East Palmetto Street
Central City North Planning Area
Zone : M3-1-RIO
D. M. : 126A217
C. D. : 14
CEQA : ENV 2015-1086-CE
Legal Description: Lots 27-30,
Arthur Tract

On December 23, 2015, the Zoning Administrator approved plans to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the continued operation of a 4,644 square-foot restaurant/bar with live entertainment in the M3-1-RIO Zone, and determined that substantial but not full compliance had been attained with the conditions of the original grant, Case No. ZA-2011-0419-CUB-PA1. The matter was not appealed and became effective on January 7, 2016.

The applicant's representative submitted communication dated January 29, 2018, seeking clarification of Condition No. 13, which states the following:

13. The premises shall have a kitchen as defined by Section 91.0403 of the Los Angeles Municipal Code on the premises for cooking and preparing of food, and shall provide a menu containing an assortment of foods. The kitchen shall not close earlier than 10 p.m. daily, after which time snacks shall be available for purchase.

The sale of alcoholic beverages for consumption off the premises is strictly prohibited. The sale of beverages in conjunction with "to-go food orders" or for delivery shall not be permitted.

The representative states that the condition makes reference to a provision of the Los Angeles Municipal Code (Section 91.0403) that does not currently exist. As such, the applicant has requested a modification to the condition to remove reference to Section

91.0403, while still retaining the existing condition language pertaining to the requirement to provide an assortment of foods for purchase and the prohibition of alcohol sales for consumption off the premises.

In this instance, the Zoning Administrator finds that removing reference to the kitchen will not have a material effect on the mode, character, or operations of the establishment, inasmuch as the applicant would still be required to provide an assortment of foods available until 10 p.m. daily, after which time snacks shall be available for purchase, as previously required. It is further noted that the establishment holds an approved Type 48 license (On-Sale General for Public Premises) from the California Department of Alcoholic Beverage Control (ABC), which ordinarily would not even require the provision of food.

In light of the above facts and circumstances, I hereby modify Condition No. 13 to read as follows:

13. The premises shall provide a menu containing an assortment of foods available until 10 p.m. daily, after which time snacks shall be available for purchase.

The sale of alcoholic beverages for consumption off the premises is strictly prohibited. The sale of beverages in conjunction with "to-go food orders" or for delivery shall not be permitted.

All other features of the December 23, 2015, determination remain in effect. The applicant is advised to include a copy of this letter with the Conditions to be recorded in a covenant as set forth in Condition No. 11 of the determination.



DAVID S. WEINTRAUB
Associate Zoning Administrator

DSW:MS

cc: Councilmember Jose Huizar
Fourteenth District

LINN K. WYATT
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December 23, 2015

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CASE NO. ZA 2011-0419(CUB)(PA1)
APPROVAL OF PLANS
1356 East Palmetto Street
Central City North Planning Area
Zone : M3-1-RIO
D. M. : 126A217
C. D. : 14
CEQA : ENV 2015-1086-CE
Legal Description: Lots 27-30,
Arthur Tract

Pursuant to Los Angeles Municipal Code Section 12.24-M and Condition No.9 of Case No. ZA 2011-0419(CUB), I hereby DETERMINE:

that substantial but not full compliance has been attained with the conditions of the prior action in conjunction with the approval of a conditional use to allow the sale of a full line of alcoholic beverages for on-site consumption, and

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

plans to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the continued operation of a 4,644 square-foot restaurant/bar with live entertainment in the M3-1-RIO Zone, previously approved under ZA 2011-0419(CUB),

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 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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. **[DELETED]** - ~~The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.~~
7. **[MODIFIED]** - Authorizations/Uses and restrictions:
 - a. The sale and dispensing of a full line of alcoholic beverages shall be only for on-site consumption in conjunction with a bar with live entertainment.

There shall be no services, sales or possession of an alcoholic beverage or food on any sidewalk or in a parking lot area. No alcoholic beverage shall be consumed on any property adjacent to the licensed premises under the control of the licensees, except for a maximum of five (5) special events per calendar year [LAPD]. These special events in designated parking area must obtain prior LAPD approval on a case by case basis.
 - b. The patron seats shall not exceed a total of 4,644 square feet of floor area (1,525 square feet of interior space, 1,909 square feet of covered patio, and 1,210 square feet of uncovered patio and rooftop patio) and/or a total of 198 patron seats (20 seats in the interior dining area, 32 seats in the mezzanine, 118 seats on the first floor covered patio, 28 seats in the rooftop patio) as shown on Exhibit "A". No patron seats shall be permitted in the open patio on the ground floor.

Notwithstanding any Fire Department occupancy limitations that exceed these restrictions, the applicant shall post the Zoning Administrator's occupancy restrictions next to the posting of the Fire Department occupancy sign.
 - c. A Certificate of Occupancy shall be obtained for a 4,644 square-foot bar to the satisfaction of the Department of Building and Safety.

Prior to the utilization of this grant, the Certificate of Occupancy for the subject bar shall be submitted to the Zoning Administrator.

d. The hours of operation shall be limited from 11 a.m. to 2 a.m. Monday through Friday and from 9 a.m. to 2 a.m. Saturday and Sunday. After-hours use of the premises, other than for routine clean-up and maintenance shall not be permitted. The operating hours shall be posted at the entrance of the restaurant and on the menu.

e. Live entertainment shall be limited to a six piece acoustic and/or amplified group as proposed by the applicant. [LAPD]

Live entertainment including live music and/or amplified music shall be kept at a low volume such that any music playing shall not be audible beyond the premises.

No live entertainment including live music, no amplified music shall be permitted in any open patio including the rooftop patio.

f. Noise generated on-site shall not exceed the decibel levels stated in the Citywide Noise Ordinance.

Any music, sound or noise emitted that is under the control of the petitioner(s) shall not violate Section 116.1 of the Los Angeles Municipal Code. Sound from live entertainment and/or music shall not be heard outside of the bar and shall not exceed ambient street level. A decibel log shall be maintained on the premises with decibel readings being made four times per night and logged. Power Amps will have volume control, locked gates, and limiters to ensure volume stays at the ambient street level at all times. [LAPD]

8. **[DELETED]** - ~~(See new Condition Nos. 48 and 49) Should there be a change in the ownership of the property/the restaurant and/or the business operator, the property owner and the business owner/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. Prior to the closing of escrow for a potential change in the ownership of the property/business owner or operator, evidence showing that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator, shall be submitted to the satisfaction of the Zoning Administrator.~~

9. **[MODIFIED]** - ~~The applicant shall file an Approval of Plans application between 20 months and 24 months from the effective date of this grant to allow the Zoning Administrator to assess compliance with the conditions. Notice of the public hearing shall be provided within a 500-foot radius and with payment of applicable fees. At the hearing, the Zoning Administrator will require the applicant to provide evidence of compliance by way of permits, certificates of occupancy, any supporting documents and photographs, etc.~~

Further, at any time during the period of validity of this grant, should documented evidence be submitted showing a violation 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 the applicant to file for a plan approval application together with associated fees, the

purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.

10. The privileges granted herein shall become **null and void seven years** from the effective date of this determination unless a new entitlement application is "approved" for the sale and dispensing of a full line of alcoholic beverages for on-site consumption prior to that date which extends such privileges. 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 date of this grant in order to continue the sale of alcoholic beverages at the bar with live entertainment.
11. Within 30 days of the effective date of this action, and prior to the sale of any alcoholic beverages, the property owner shall record a covenant acknowledging and agreeing to comply with all the terms and conditions established herein 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
12. 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.
13. The premises shall have a kitchen as defined by Section 91.0403 of the Los Angeles Municipal Code on the premises for cooking and preparing of food, and shall provide a menu containing an assortment of foods. The kitchen shall not close earlier than 10 p.m. daily, after which time snacks shall be available for purchase.

The sale of alcoholic beverages for consumption off the premises is strictly prohibited. The sale of beverages in conjunction with "to-go food orders" or for delivery shall not be permitted.
14. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales from a Planning Department public counter subsequent to the Planning Department sign-off form and mount it on either the inside of the window of the subject site facing the street or on the outside of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein are utilized.
15. 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.

16. Pool tables, billiard tables, and Adult Entertainment uses [Municipal Code Section 12.70] shall be prohibited. There shall be no karaoke, no juke box, no topless entertainment, no male or female performers, no public performances or no fashion shows.
17. No dancing is authorized. The applicant shall not sublet the premises for nightclub activity.
18. The following mitigation measures in Mitigated Negative Declaration No. ENV 2008-3445-MND-REC2 for the project are hereby made part of the conditions of approval of this grant and shall be strictly complied with.
 - a. Food Service Industry (Restaurants, Bakeries, Food Processors)
 - 1) Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
 - 2) Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rates and shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
 - 3) Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
 - 4) Cleaning of oily vents and equipment to be performed within designated covered area, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly connected sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis to remove any solids; and the oil absorbent pads must be replaced regularly according to manufacturer=s specifications.
 - 5) Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Wash containers in an area with properly connected sanitary sewer.
 - 6) Reduce and recycle wastes, including oil and grease.
 - 7) Store liquid storage tanks (drums and dumpsters) in designated paved areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, curbs, or dikes. Use drip pans or absorbent materials whenever grease containers are emptied.

- 8) All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
 - 9) Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
 - 10) Legibility of stencils and signs must be maintained.
 - 11) Materials with the potential to contaminate stormwater must be: (a) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (b) protected by secondary containment structures such as berms, dikes, or curbs.
 - 12) The storage area must be paved and sufficiently impervious to contain leaks and spills.
 - 13) The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
 - 14) The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.
 - 15) Prescriptive methods detailing BMPs specific to this project category area available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the city's website at: www.lastormwater.org. (See Exhibit A).
- b. Increased Noise Levels (Retail Markets, Bars, Entertainment etc...):
- 1) No window openings shall be permitted along the residential sides of the building.
 - 2) A 6-foot-high solid decorative masonry wall adjacent to the residential properties shall be constructed, if no such wall currently exists.
- c. Inadequate Emergency Access
- The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

d. Utilities (Solid Waste):

- 1) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
 - 2) Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.
 - 3) To facilitate on-site separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
19. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the valet service(s) (if any) shall be retained on the premises at all times and be immediately produced upon request of any Los Angeles Police officer, Department of Alcoholic Beverage Control investigator or other applicable enforcement agencies. The manager and all employees shall be knowledgeable of these Conditions.
20. The conditions of the subject grant shall be provided to employees and security personnel for their review.
- Within 30 days from the effective date of this grant, a statement signed by the employees and security staff stating that they reviewed and agree to comply with the conditions shall be submitted to the Zoning Administrator.
21. Prior to the utilization of this grant, all personnel acting in the capacity of a manager of the premise and all personnel who serve alcoholic beverages shall complete the STAR (Standardized Training for Alcohol Retailers) session sponsored by the Los Angeles Police Department. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within two (2) months of their employment.
- Within six months from the effective date of this grant, the list of employees who serve alcoholic beverages, their hire date and written confirmation of their STAR training shall be submitted to the Zoning Administrator, and shall be retained on the premises at all times and be immediately produced upon request of any Los Angeles Police officer or Department of Alcoholic Beverage Control investigator. The manager and all employees shall be knowledgeable of these Conditions.
22. The applicant/business operator shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.

23. The applicant shall establish a designated driver program that may include signs on each table and bar alerting patrons of the program, including a statement in the menus, or post signs in prominent locations in the dining areas. Prior to the utilization of this grant, a written statement of the program shall be submitted to the satisfaction of the Zoning Administrator prior to the utilization of the grant.

24. **[MODIFIED]** - The premises shall not be rented/used exclusively for special events and/or private parties in which the general public is excluded, except for a maximum of five (5) special events per calendar year. These special events in designated parking area must obtain prior LAPD approval on a case by case basis

The business operator shall retain full control of all events within the subject premises. The premises shall not be sublet to an independent promoter for any purpose. [LAPD]

25. 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. 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.

No booth or group seating shall be installed which completely prohibits observation of the occupants. [LAPD]

26. The business operator shall comply with Section 6404.5(b) of the Labor Code which prohibits smoking within any place of employment. There shall be no ashtrays or other receptacles used for the purpose of collecting ash or cigarette/cigar butts inside the restaurant or bathrooms.

27. Loitering shall be prohibited on or around these premises or this area under the control of the licensee. Signs shall be prominently posted in English, and the predominant language of the facility's clientele, if different, stating that California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the facility in the same language(s).

The parking lot, the area under the applicant's control and adjacent to the subject site, shall be routinely patrolled by employees of the restaurant or security personnel for the purpose of monitoring loitering. Any problems associated with the bar operation shall immediately be reported to the manager who shall correct/remedy the problems.

28. **[MODIFIED]** - ~~Prior to the sale of any alcoholic beverages, electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premises. The device(s) shall be maintained in operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco product.~~ 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.

29. Exterior lighting on the building shall be maintained and provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible. Lighting in the parking area of the premises shall be directed in such a manner so as not to unreasonably illuminate the window area of nearby residences.
30. The applicant/bar operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject bar. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
- posted at the entry, and the cashier,
 - responded to within 24-hours of any complaints/inquiries received on this hot line, and
 - documented in a log and available for review by the Los Angeles Police Department and the Zoning Administrator upon request on when the calls were received, returned and the action taken at a minimum.
31. The trash container shall be completely covered and kept enclosed at all times. Trash pick up at the premises shall be made no earlier than 8 a.m. or later than 6 p.m. [LAPD]
32. Public entry into the bar shall be provided via doors opening onto the patio and parking areas. Any doors opening onto the Palmetto or Santa Fe shall be kept closed at all times during the operation of the premises except in case of emergency or temporary access for delivery of supplies and trash removal. These doors shall be equipped on the inside with an automatic locking device and shall not consist solely of a screen or ventilated security door but shall be solid.
33. The westerly uncovered patio area shall be secured by a minimum 6-foot high barrier of an iron frame and sound resistant tempered glass or similar material.
34. No pay phone shall be maintained on the exterior of the premises. [LAPD]
35. The following security conditions shall be complied with:
- a. (Security Guard/Security Plan): A minimum of one security guard shall be provided from 5 p.m. until 30 minutes after closing. A minimum of one guard for every 75 patrons shall be provided during operating hours as identified in the Security Plan submitted to the file and to the LAPD.
- The security guard(s) shall be certified and licensed by the State of California consistent with State law and the Los Angeles Police Commission standards and shall maintain valid State guard cards. The security guard(s) shall be uniformed in such a manner as to be readily identifiable to patrons and law enforcement personnel and shall not have any criminal background.
- The business operator shall maintain a contingency security plan where additional security guards are present on the premises in accordance with the businesses' operational needs. The operator shall determine, as needed,

days and times when such a presence is necessary giving special consideration to weekend evenings and other weekday evenings or dates when a large attendance of patrons, are anticipated to patronize the bar.

Prior to the utilization of this grant, a security plan, which shall include a contingency plan shall be approved by the Central Area Division of the Los Angeles Police Department and the approved security plan shall be submitted to the file. [LAPD]

- b. Security personnel shall take steps necessary to prevent departing guests who appear to be intoxicated from driving, including, observing patrons as they are walking them to their cars and actively encouraging the alternative use of designated sober drivers and/or having the security personnel call a taxi cab or driving service and/or providing such patrons the name of nearby hotels for overnight stay. [LAPD]
- c. All security personnel shall maintain order therein and prevent any activity that would interfere with the quiet enjoyment of their property by nearby residents. The security personnel shall encourage patrons to exit quietly, provide supervised security staff-assisted escorts especially at closing from the location to the patron's car, and patrol the parking area utilized by patrons. [LAPD]
- d. Security shall monitor the adjacent alley and the sidewalk area to mitigate noise or nuisance behavior. [LAPD]
- e. (Security Cameras): The business operator shall install video surveillance cameras and monitors at entrances/exits to the facility, the inside dining area, outside patio, roof and parking lot as well as along any recessed areas, as deemed necessary for security purposes in consultation with and to the satisfaction of the Los Angeles Police Department. The business operator shall maintain the tapes for at least one month and make them available to the Police Department upon request.

The surveillance monitors shall be located in an area where the monitors are regularly monitored by the staff and/or security personnel.

The following conditions, which are required by the LAPD and the applicant agreed to comply, shall be strictly complied with:

[RELOCATED] - Alcohol Conditions Agreed to by the Applicant: (Condition Nos. 36 - 44)
Moved to Conditions Identified for consideration by the State Department of Alcoholic Beverage Control

- 36. **[RELOCATED]** - ~~The business operators shall not require an admission or cover charge nor shall there be a requirement to purchase a minimum number of drinks.~~
- 37. **[RELOCATED]** - ~~No person under 21 years of age shall sell or deliver alcoholic beverages.~~
- 38. **[RELOCATED]** - ~~Discount prices shall be offered for food orders when alcoholic beverages are sold at discounted prices.~~

39. ~~**[RELOCATED]** - The exterior windows and glass doors of the bar shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by police and private security.~~
40. ~~**[RELOCATED]** - Sales and delivery of alcoholic beverages to customers shall be made from behind a counter where an employee will obtain the product. No self service of alcoholic beverages by patrons will be permitted.~~
41. ~~**[RELOCATED]** - There shall be no exterior advertising or signs of any type, including advertising directed 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. This condition is not meant to preclude an interior display of alcoholic beverage containers within the interior of the restaurant space. The only exception to this restriction is the posting of a single menu on the outside wall.~~
42. ~~**[RELOCATED]** - The sale of distilled spirits by the bottle for same day or future consumption is prohibited.~~
43. ~~**[MODIFIED]** - There shall be no service, sales or possession of an alcoholic beverage on any sidewalk or in the parking lot area, There may be a maximum of up to five (5) special events per calendar year. These special events in designated parking area must obtain prior LAPD approval on a case by case basis~~
44. ~~**[RELOCATED]** - The subject premise shall maintain a policy of not serving obviously intoxicated patrons and taking preventive measures to help avert intoxication-related problems, such as free non-alcoholic beverages for designated drivers, bottled water for departing patrons, etc.~~
45. ~~**[MODIFIED]** - Prior to the issuance of any permits relative to this matter, 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file, or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or Condition Compliance Unit for inclusion in the case file.~~
45. **Within 30 days of the effective date of this determination, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject of the email to include the case number, "ZA-2011-0419 CUB/PA1/Operation Notification". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.**

47. **Within 30 days of the effective date of this determination,** the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows.

We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction the facility, known as VILLAIN'S TAVERN, and agree to abide and comply with said conditions.

48. 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 has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit 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 Condition Compliance Unit within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.
49. 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, or If at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, shall be submitted to the Department of Planning, Condition Compliance Unit 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.
50. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may 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 used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be 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 therein, may result in denial of future requests to renew or extend this grant.

51. 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 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 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 \$25,000. 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. (b)
- e. If the City determines it necessary to protect the City's interests, 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, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public

agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after JANUARY 7, 2016, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

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

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. 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 September 10, 2015, 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 plan approval under the provisions of Section 12.24-M have been established by the following facts:

BACKGROUND

The subject site is located in the Central City North Community Plan and has a Heavy Manufacturing land use designation in the M3-1-RIO Zone and is developed with a building that is currently used by the subject bar/restaurant (Villains Tavern). The property is a level, irregular-shaped, through corner parcel of land consisting of several lots with frontages on both Willow and Palmetto Streets. It contains approximately 1.40 acres (60,984 square feet), having frontages of approximately 280 feet on the north side of Willow Street and 156.8 feet on the south side of Palmetto Street and approximately 295.15 feet along Santa

Fe Avenue with varying depths from 140 to 295.15 feet. The site extends northerly across a vacated alley to a perimeter fenced un-striped surface parking area with vehicular ingress/egress via a driveway along Santa Fe Avenue and a driveway along Palmetto Street.

The subject site, on which the subject restaurant is located, fronts on Palmetto Street and is comprised of four lots containing approximately 22,357 square feet in size with a 157-foot frontage and depth of 140 feet. The property is developed with a two-story industrial/warehouse building that is located at the southwesterly intersection of Palmetto Street and Santa Fe Avenue, and is surrounded by a combination 12-foot high concrete masonry wall and wrought iron fence. The establishment is allotted six of the 62 parking stalls on the adjacent lot.

The subject premises were first entitled to sell alcohol in 2005 through ZA 2005-4646(CUB), which approved a conditional use to allow the sale of beer and wine for on-site consumption in conjunction with a 1,350 square-foot restaurant accommodating 44 patrons.

On June 10, 2009, under Case No. ZA 2008-3450(CUB)(CUX), a conditional use permit was approved for an upgrade of beer and wine to a full line of alcoholic beverages in conjunction with an expansion of an existing restaurant resulting in 3,625 square feet of floor area and 198 patron seats. The applicant also requested live entertainment, public dancing and longer hours of operation. The applicant withdrew the request for public dancing, but all other requests were granted.

Most recently, ZA 2011-0419(CUB) was approved which granted a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the conversion of an existing restaurant with bar service into a bar having live entertainment. One of the conditions of approval was that the operators apply for a Plan Approval two years after the CUB was granted in order to allow the city to gauge whether the applicants are in compliance with their conditions of approval. The applicants are in the process of upgrading their ABC license from a Type 47 (restaurant) to a Type 48 (bar) license.

The applicant is requesting an approval of plans to allow the continued on-site sale and dispensing of a full line of alcoholic beverages at the 4,644 square-foot bar/restaurant. The applicant is also requesting to modify Condition Nos. 7a, 24 and 43 to allow special events/private parties and to allow the sale, service, and possession of alcoholic beverages in the parking lot for special events. There are a total of 198 seats with live entertainment and hours of operation from 11:00 a.m. – 2:00 a.m. Monday to Friday and 9:00 a.m. – 2:00a.m. Saturday and Sunday. Hours of operation are not proposed to change. The applicant will continue to provide 62 shared parking spaces (six are designated for the subject site and the remainder are shared).

Surrounding uses consist of textile manufacturing, film studios, wholesale hydroponics, office uses, and manufacturing. The surrounding properties are all zoned M3-1-RIO.

East Palmetto Street, adjoining the property to the south, is a Local Street, with a width of 60 feet and improved with curb gutter and side walk.

Santa Fe Avenue, adjoining the property on the west, is designated as a Secondary Highway, dedicated to a width of 80 feet and improved with curbs, gutter and sidewalk.

Alley, adjoining the property on the north, is 15 feet and improved with asphalt.

Willow Street, adjoining the subject ownership to the south, is a Local Street with a width of 60 feet and improved with curb, gutter and sidewalk.

Previous zoning related actions on the site/in the area include:

Subject Property

Case No. ZA 2011-0419(CUB) – On March 27, 2012, the Zoning Administrator approved a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the conversion of an existing restaurant with bar service into a bar having live entertainment.

Case No. ZA 2008-3450(CUB)(CUX) – On June 10, 2009, the Zoning Administrator accepted a withdrawal of a request for public patron dancing and approved a conditional use authorizing an upgrade of beer and wine license to a full line of alcoholic beverage license for on-site consumption in conjunction with expansion of an existing restaurant.

Case No. ZA 2005-4646(CUB) – On December 9, 2005, the Zoning Administrator approved a conditional use to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with a 1,350 square-foot restaurant.

Surrounding Properties

Case No. ZA 2015-0233(CUB) – On May 26, 2015, the Zoning Administrator approved a conditional use to permit the off-site sales of a full line of alcohol, in conjunction with the establishment of a distillery in the M3-1-RIO zone at 586 South Mateo Street.

Case No. ZA 2013-1011(CUB) – On January 29, 2014, the Zoning Administrator approved a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and the sale of beer and wine for off-site consumption at a 9,200 square-foot restaurant/market in the M3-1 zone at 580 South Mateo Street.

PUBLIC HEARING

The public hearing on this matter was conducted at City Hall on September 10, 2015. The hearing involved the review of compliance with the conditions imposed as part of the original approval granted under ZA 2011-0419(CUB), March 27, 2012 to allow the sale of a full line of alcohol on-site.

At the hearing, testimony was provided by the applicant's representative, Dafne Gokcen, and by a neighbor to the project, and stakeholder, Nirvan Mullick. Ms. Gokcen made the following points:

- The establishment, Villain's Tavern opened in 2010
- The project is located in the arts district

- The applicant is requesting a change from a Type 47 to a Type 48 license to change from a restaurant to a nightclub/bar
- The applicant is also requesting the right to have limited special events, 5 or 6 times a year, that would for the sale, service, and possession of alcoholic beverages in the parking lot
- The Historical Cultural Neighborhood Council (HCNC) provided a letter of support for the project
- To allow special events, Condition Nos. 7a, 24, and 43 will need to be amended

Testimony was given by Nirvan Mullick and the following points were made:

- An 8 year resident, and lives “Kitty Corner” from the project
- Lives and works at this site across from Villain’s
- Is a board member of “Cyclivia”, and the HCNC
- Drunk people, urination, vomiting, vandalism, including knocking over a motorcycle have all been associated with the subject property
- Wants better compliance and enforcement with the conditions of approval
- Noise, capacity and security are all out of compliance
- The neighborhood is changing
- They are well mannered, but have outgrown their venue

Written Correspondences

- ❖ Historical Cultural Neighborhood Council (HCNC) provided a letter dated September 4, 2015 of support for the project, as well as the request for special events, and amending Condition Nos. 7a, 24, and 43.
- ❖ An Email from Harley Cross, dated September 9, 2015, expressing that:
 - Noise is the biggest issue
 - The applicant even changed the windows in the neighboring building to mitigate the noise.
 - The neighborhood is changing and is rapidly becoming a fully integrated live/work and mixed commercial environment.
 - The noise is going to negatively impact the future residents and stakeholders.
 - The security staff do not properly mitigate the impact of large numbers of intoxicated patrons that vandalize, vomit and urinate in the surrounding streets.
 - Villian’s has already been allowed to expand past their capacity.
- ❖ An Email from the applicant’s representative dated September 21, 2015, with attachments and receipts for sound system upgrades and a security camera system.
- ❖ A letter from the Los Angeles Police Department, dated October 21, 2015, supporting the project if all of the conditions from the prior approval remain, except for the conditions that need amending to allow a maximum of five (5) special events a year.

REVIEW OF COMPLIANCE WITH CONDITIONS OF APPROVAL ZA 2011-0419(CUB), MARCH 27, 2012:

At the time of filing, the City Planning Department had not received complaints or documentation of violation of the conditions. Following is a review of the individual 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.

Comment: In compliance.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

Comment: In compliance.

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.

Comment: In compliance. No communication was provided of non-compliance.

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.

Comment: In Compliance.

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 Development Services Center Staff and the Department of Building and Safety for purposes of having a building permit issued.

Comment: In compliance.

6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Comment: In compliance.

7. Authorizations/Uses and restrictions:

- a. The sale and dispensing of a full line of alcoholic beverages shall be only for on-site consumption in conjunction with a bar with live entertainment.

There shall be no services, sales or possession of an alcoholic beverage or food on any sidewalk or in a parking lot area. No alcoholic beverage shall be consumed on any property adjacent to the licensed premises under the control of the licensees. [LAPD]

Comment: In compliance. Alcohol beverages are only served at the bar counter.

- b. The patron seats shall not exceed a total of 4,644 square feet of floor area (1,525 square feet of interior space, 1,909 square feet of covered patio, and 1,210 square feet of uncovered patio and rooftop patio) and/or a total of 198 patron seats (20 seats in the interior dining area, 32 seats in the mezzanine, 118 seats on the first floor covered patio, 28 seats in the rooftop patio) as shown on Exhibit "A". No patron seats shall be permitted in the open patio on the ground floor.

Notwithstanding any Fire Department occupancy limitations that exceed these restrictions, the applicant shall post the Zoning Administrator's occupancy restrictions next to the posting of the Fire Department occupancy sign.

Comment: In compliance. See attached floor plans.

- c. A Certificate of Occupancy shall be obtained for a 4,644 square-foot bar to the satisfaction of the Department of Building and Safety.

Prior to the utilization of this grant, the Certificate of Occupancy for the subject bar shall be submitted to the Zoning Administrator.

Comment: In process. The building permit was issued but never finalized and the applicant is working on final inspections.

- d. The hours of operation shall be limited from 11 a.m. to 2 a.m. Monday through Friday and from 9 a.m. to 2 a.m. Saturday and Sunday. After-hours use of the premises, other than for routine clean-up and maintenance shall not be permitted. The operating hours shall be posted at the entrance of the restaurant and on the menu.

Comment: In compliance. Hours of operation are as follows: Tuesday – Friday 5:30 p.m. – 2:00 a.m., Saturday & Sunday 3:00 p.m. – 2:00 a.m.

- e. Live entertainment shall be limited to a six piece acoustic and/or amplified group as proposed by the applicant. [LAPD]

Live entertainment including live music and/or amplified music shall be kept at a low volume such that any music playing shall not be audible beyond the premises.

No live entertainment including live music, no amplified music shall be permitted in any open patio including the rooftop patio.

Comment: In compliance.

- f. Noise generated on-site shall not exceed the decibel levels stated in the Citywide Noise Ordinance.

Any music, sound or noise emitted that is under the control of the petitioner(s) shall not violate Section 116.1 of the Los Angeles Municipal Code. Sound from live entertainment and/or music shall not be heard outside of the bar and shall not exceed ambient street level. A decibel log shall be maintained on the premises with decibel readings being made four times per night and logged. Power Amps will have volume control, locked gates, and limiters to ensure volume stays at the ambient street level at all times. [LAPD]

Comment: In compliance. See attachment in case file.

8. Should there be a change in the ownership of the property/the restaurant and/or the business operator, the property owner and the business owner/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. Prior to the closing of escrow for a potential change in the ownership of the property/business owner or operator, evidence showing that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator, shall be submitted to the satisfaction of the Zoning Administrator.

Comment: In compliance. Villains Tavern has been under the same ownership since 2010.

9. The applicant shall file an Approval of Plans application between 20 months and 24 months from the effective date of this grant to allow the Zoning Administrator to assess compliance with the conditions. Notice of the public hearing shall be provided within a 500-foot radius and with payment of applicable fees. At the hearing, the Zoning Administrator will require the applicant to provide evidence of compliance by way of permits, certificates of occupancy, any supporting documents and photographs, etc.

Further, at any time during the period of validity of this grant, should documented evidence be submitted showing a violation 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 the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.

Comment: The subject request is in order to comply with this condition.

10. The privileges granted herein shall become **null and void six years** from the effective date of this determination unless a new entitlement application is "approved" for the sale and dispensing of a full line of alcoholic beverages for on-site consumption prior to that date which extends such privileges. 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 date of this grant in order to continue the sale of alcoholic beverages at the bar with live entertainment.

Comment: In compliance, see attached floor plans.

11. Within 30 days of the effective date of this action, and prior to the sale of any alcoholic beverages, the property owner shall record a covenant acknowledging and agreeing to comply with all the terms and conditions established herein 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

Comment: Currently in process.

12. 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.

Comment: In compliance.

13. The premises shall have a kitchen as defined by Section 91.0403 of the Los Angeles Municipal Code on the premises for cooking and preparing of food, and shall provide a menu containing an assortment of foods. The kitchen shall not close earlier than 10 p.m. daily, after which time snacks shall be available for purchase.

The sale of alcoholic beverages for consumption off the premises is strictly prohibited. The sale of beverages in conjunction with "to-go food orders" or for delivery shall not be permitted.

Comment: In compliance. Regular kitchen hours: Sunday, Tuesday, Wednesday 5:30 p.m. – 11:00 p.m.; Thursday-Saturday 5:30 p.m. – 10:00 p.m.; Late Night kitchen hours: Thursday-Saturday 11:00 p.m. – 1:30 a.m.

14. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales from a Planning Department public counter subsequent to the Planning Department sign-off form and mount it on either the inside of the window of the subject site facing the street or on the outside of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein are utilized.

Comment: In compliance.

15. 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.

Comment: In compliance.

16. Pool tables, billiard tables, and Adult Entertainment uses [Municipal Code Section 12.70] shall be prohibited. There shall be no karaoke, no juke box, no topless entertainment, no male or female performers, no public performances or no fashion shows.

Comment: In compliance.

17. No dancing is authorized. The applicant shall not sublet the premises for nightclub activity.

Comment: In compliance.

18. The following mitigation measures in Mitigated Negative Declaration No. ENV 2008-3445-MND-REC2 for the project are hereby made part of the conditions of approval of this grant and shall be strictly complied with.

a. Food Service Industry (Restaurants, Bakeries, Food Processors)

- 1) Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.

Comment: Not Applicable.

- 2) Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rates and shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.

Comment: Not Applicable.

- 3) Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.

Comment: In compliance.

- 4) Cleaning of oily vents and equipment to be performed within designated covered area, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly

connected sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis to remove any solids; and the oil absorbent pads must be replaced regularly according to manufacturer=s specifications.

Comment: In compliance.

- 5) Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Wash containers in an area with properly connected sanitary sewer.

Comment: In compliance.

- 6) Reduce and recycle wastes, including oil and grease.

Comment: In compliance.

- 7) Store liquid storage tanks (drums and dumpsters) in designated paved areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, curbs, or dikes. Use drip pans or absorbent materials whenever grease containers are emptied.

Comment: In compliance.

- 8) All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.

Comment: Not applicable, there are no storm drains.

- 9) Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.

Comment: Not applicable.

- 10) Legibility of stencils and signs must be maintained.

Comment: Not applicable.

- 11) Materials with the potential to contaminate stormwater must be: (a) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (b) protected by secondary containment structures such as berms, dikes, or curbs.

Comment: Not applicable.

- 12) The storage area must be paved and sufficiently impervious to contain leaks and spills.

Comment: In compliance.

- 13) The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.

Comment: In compliance.

- 14) The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.

Comment: Not applicable.

- 15) Prescriptive methods detailing BMPs specific to this project category area available. Applicants are encouraged to incorporate the prescriptive methods into the design plans. These Prescriptive Methods can be obtained at the Public Counter or downloaded from the city's website at: www.lastormwater.org. (See Exhibit A).

b. Increased Noise Levels (Retail Markets, Bars, Entertainment etc...):

- 1) No window openings shall be permitted along the residential sides of the building.

Comment: Not applicable, there are no residential sides of the building.

- 2) A 6-foot-high solid decorative masonry wall adjacent to the residential properties shall be constructed, if no such wall currently exists.

Comment: In compliance.

c. Inadequate Emergency Access

The applicant shall submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that provides code-required emergency access.

Comment: In compliance.

d. Utilities (Solid Waste):

- 1) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

Comment: In compliance.

- 2) Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

Comment: Not applicable.

- 3) To facilitate on-site separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins on-site during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

Comment: Not applicable.

19. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the valet service(s) (if any) shall be retained on the premises at all times and be immediately produced upon request of any Los Angeles Police officer, Department of Alcoholic Beverage

Control investigator or other applicable enforcement agencies. The manager and all employees shall be knowledgeable of these Conditions.

Comment: In compliance.

20. The conditions of the subject grant shall be provided to employees and security personnel for their review.

Within 30 days from the effective date of this grant, a statement signed by the employees and security staff stating that they reviewed and agree to comply with the conditions shall be submitted to the Zoning Administrator.

Comment: In process.

21. Prior to the utilization of this grant, all personnel acting in the capacity of a manager of the premise and all personnel who serve alcoholic beverages shall complete the STAR (Standardized Training for Alcohol Retailers) session sponsored by the Los Angeles Police Department. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within two (2) months of their employment.

Within six months from the effective date of this grant, the list of employees who serve alcoholic beverages, their hire date and written confirmation of their STAR training shall be submitted to the Zoning Administrator, and shall be retained on the premises at all times and be immediately produced upon request of any Los Angeles Police officer or Department of Alcoholic Beverage Control investigator. The manager and all employees shall be knowledgeable of these Conditions.

Comment: In compliance, see attachment in case file.

22. The applicant/business operator shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.

Comment: In compliance.

23. The applicant shall establish a designated driver program that may include signs on each table and bar alerting patrons of the program, including a statement in the menus, or post signs in prominent locations in the dining areas. Prior to the utilization of this grant, a written statement of the program shall be submitted to the satisfaction of the Zoning Administrator prior to the utilization of the grant.

Comment: In compliance.

24. The premises shall not be rented/used exclusively for special events and/or private parties in which the general public is excluded.

The business operator shall retain full control of all events within the subject premises. The premises shall not be sublet to an independent promoter for any purpose. [LAPD]

Comment: In compliance.

25. 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. 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.

No booth or group seating shall be installed which completely prohibits observation of the occupants. [LAPD]

Comment: In compliance.

26. The business operator shall comply with Section 6404.5(b) of the Labor Code which prohibits smoking within any place of employment. There shall be no ashtrays or other receptacles used for the purpose of collecting ash or cigarette/cigar butts inside the restaurant or bathrooms.

Comment: In compliance.

27. Loitering shall be prohibited on or around these premises or this area under the control of the licensee. Signs shall be prominently posted in English, and the predominant language of the facility's clientele, if different, stating that California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the facility in the same language(s).

The parking lot, the area under the applicant's control and adjacent to the subject site, shall be routinely patrolled by employees of the restaurant or security

personnel for the purpose of monitoring loitering. Any problems associated with the bar operation shall immediately be reported to the manager who shall correct/remedy the problems.

Comment: In compliance.

28. Prior to the sale of any alcoholic beverages, electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premises. The device(s) shall be maintained in operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco product.

Comment: In compliance.

29. Exterior lighting on the building shall be maintained and provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible. Lighting in the parking area of the premises shall be directed in such a manner so as not to unreasonably illuminate the window area of nearby residences.

Comment: In compliance.

30. The applicant/bar operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject bar. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:

- posted at the entry, and the cashier,
- responded to within 24-hours of any complaints/inquiries received on this hot line, and
- documented in a log and available for review by the Los Angeles Police Department and the Zoning Administrator upon request on when the calls were received, returned and the action taken at a minimum.

Comment: In compliance.

31. The trash container shall be completely covered and kept enclosed at all times. Trash pick up at the premises shall be made no earlier than 8 a.m. or later than 6 p.m. [LAPD]

Comment: In compliance.

32. Public entry into the bar shall be provided via doors opening onto the patio and parking areas. Any doors opening onto the Palmetto or Santa Fe shall be kept closed at all times during the operation of the premises except in case of emergency or temporary access for delivery of supplies and trash removal. These doors shall be equipped on the inside with an automatic locking device and shall not consist solely of a screen or ventilated security door but shall be solid.

Comment: In compliance.

33. The westerly uncovered patio area shall be secured by a minimum 6-foot high barrier of an iron frame and sound resistant tempered glass or similar material.
Comment: In compliance.

34. No pay phone shall be maintained on the exterior of the premises. [LAPD]

Comment: In compliance, there are no pay phones on site.

35. The following security conditions shall be complied with:

- a. (Security Guard/Security Plan): A minimum of one security guard shall be provided from 5 p.m. until 30 minutes after closing. A minimum of one guard for every 75 patrons shall be provided during operating hours as identified in the Security Plan submitted to the file and to the LAPD.

The security guard(s) shall be certified and licensed by the State of California consistent with State law and the Los Angeles Police Commission standards and shall maintain valid State guard cards. The security guard(s) shall be uniformed in such a manner as to be readily identifiable to patrons and law enforcement personnel and shall not have any criminal background.

The business operator shall maintain a contingency security plan where additional security guards are present on the premises in accordance with the businesses' operational needs. The operator shall determine, as needed, days and times when such a presence is necessary giving special consideration to weekend evenings and other weekday evenings or dates when a large attendance of patrons, are anticipated to patronize the bar.

Prior to the utilization of this grant, a security plan, which shall include a contingency plan shall be approved by the Central Area Division of the Los Angeles Police Department and the approved security plan shall be submitted to the file. [LAPD]

Comment: In compliance, see attachment in case file.

- b. Security personnel shall take steps necessary to prevent departing guests who appear to be intoxicated from driving, including, observing patrons as they are walking them to their cars and actively encouraging the alternative use of designated sober drivers and/or having the security personnel call a taxi cab or driving service and/or providing such patrons the name of nearby hotels for overnight stay. [LAPD]

Comment: In compliance.

- c. All security personnel shall maintain order therein and prevent any activity that would interfere with the quiet enjoyment of their property by nearby residents. The security personnel shall encourage patrons to exit quietly, provide supervised security staff-assisted escorts especially at closing from the location to the patron's car, and patrol the parking area utilized by patrons. [LAPD]

Comment: In compliance.

- d. Security shall monitor the adjacent alley and the sidewalk area to mitigate noise or nuisance behavior. [LAPD]

Comment: In compliance.

- e. (Security Cameras): The business operator shall install video surveillance cameras and monitors at entrances/exits to the facility, the inside dining area, outside patio, roof and parking lot as well as along any recessed areas, as deemed necessary for security purposes in consultation with and to the satisfaction of the Los Angeles Police Department. The business operator

shall maintain the tapes for at least one month and make them available to the Police Department upon request.

The surveillance monitors shall be located in an area where the monitors are regularly monitored by the staff and/or security personnel.

Comment: In compliance, see attachment in case file.

Within 60 days from the effective date of this determination, the service contract with the security company and evidence showing that the required security plan has been prepared and approved by the LAPD, the security guards have been hired and the surveillance cameras have been installed, shall be submitted to the satisfaction of the Zoning Administrator. The security contracts shall include the minimum security requirements in the approved security plan including the number of security guards, their working hours and copies of their State guard licenses.

Comment: In compliance.

The following conditions, which are required by the LAPD and the applicant agreed to comply, shall be strictly complied with:

36. The business operators shall not require an admission or cover charge nor shall there be a requirement to purchase a minimum number of drinks.

Comment: In compliance. No cover charge nor minimum drinks requirement are in place.

37. No person under 21 years of age shall sell or deliver alcoholic beverages.

Comment: In compliance. No persons under 21 years of age sell or deliver alcoholic beverages.

38. Discount prices shall be offered for food orders when alcoholic beverages are sold at discounted prices.

Comment: In compliance. Food is offered at discounted prices during "Happy Hour" times.

39. The exterior windows and glass doors of the bar shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by police and private security.

Comment: In compliance.

40. Sales and delivery of alcoholic beverages to customers shall be made from behind a counter where an employee will obtain the product. No self service of alcoholic beverages by patrons will be permitted.

Comment: In compliance.

41. There shall be no exterior advertising or signs of any type, including advertising directed 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. This condition is not meant to preclude an interior display of alcoholic beverage containers within the interior of the restaurant space. The only exception to this restriction is the posting of a single menu on the outside wall.

Comment: In compliance.

42. The sale of distilled spirits by the bottle for same day or future consumption is prohibited.

Comment: In compliance.

43. There shall be no service, sales or possession of an alcoholic beverage on any sidewalk or in the parking lot area.

Comment: In compliance. Alcoholic beverages are only served at the bar counter.

44. The subject premise shall maintain a policy of not serving obviously intoxicated patrons and taking preventive measures to help avert intoxication-related problems, such as free non-alcoholic beverages for designated drivers, bottled water for departing patrons, etc.

Comment: In compliance. The operators have established a program that implements a taxi service for its intoxicated patrons as well as offering incentives for designated drivers.

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.

- The business operators shall not require an admission or cover charge nor shall there be a requirement to purchase a minimum number of drinks.
- No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- No person under 21 years of age shall sell or deliver alcoholic beverages.
- 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 exterior windows and glass doors of the bar shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by police and private security.
- Discount prices shall be offered for food orders when alcoholic beverages are sold at discounted prices.
- The sale of distilled spirits by the bottle for same day or future consumption is prohibited.
- There shall be no service, sales or possession of an alcoholic beverage on any sidewalk or in the parking lot area, except at pre-authorized special events.
- The subject premise shall maintain a policy of not serving obviously intoxicated patrons and taking preventive measures to help avert intoxication-related problems, such as free non-alcoholic beverages for designated drivers, bottled water for departing patrons, etc.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- There shall be no cocktail lounge or separate bar area.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.

- 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. Patrons shall not be served while standing or while waiting to be seated.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.

AUTHORITY FOR PLAN APPROVAL

Section 12.24-M of the Los Angeles Municipal Code provides in pertinent part:

"M. Development of Uses. (Amended by Ord. No. 173,992, Eff. 7/6/01)

1. Development of Site. On any lot or portion of a lot on which a deemed-approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time ...".

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use plan approval process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages 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.

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.**

As noted above, the subject property was approved to sell alcoholic beverages in 2005 through ZA 2005-4646(CUB). The applicants took possession of the property and operated a restaurant with a valid ABC beer and wine license from November 7, 2007 to June 30, 2009. On June 10, 2009, the Zoning Administrator approved an upgrade of their license privileges to a full line of alcoholic beverages in conjunction with a restaurant, under ZA 2008-3450(CUB), and the applicants have operated a valid Type 47 ABC license since that time. The applicant proposes

to upgrade the existing restaurant with bar service to a bar having live entertainment, which will require a Public Premise Type 48 alcohol license in lieu of the current Type 47 license.

The subject request is to evaluate compliance with the existing conditions of approval and to modify the conditions of approval to allow special events/private parties and to allow occasional special events on the adjacent parking lot, subject to the approval of special event permits. The Neighborhood Council, Arts District Business Improvement District and the Los Angeles River Artists and Business Association (LARABA) all supported the original CUB request and LAPD was unopposed to the request. The applicant has multiple ABC licenses in her name without any violations or suspensions. This area of Downtown is characterized by a need for redevelopment activity. The viability of this area will depend, to a large extent, on its continued growth and development. The applicants have taken an underused lot and operated a successful business there for seven years.

The project has operated without any known issues and captures the demand for a bar/restaurant/event space for residents of the newly developed downtown lofts and artist residence units.

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 surrounding properties are within the M3-1-RIO Zone and are characterized by level topography and full/partially improved streets. The surrounding properties are developed with one- and two-story industrial buildings.

The property to the north of the subject ownership across Palmetto Street is zoned M3-1-RIO and is developed with a one- and two-story industrial building. The properties beyond that are developed with a one-story industrial building.

The property to the south of the subject ownership across Willow Street is zoned M3-1-RIO and is developed with a one-story industrial building with loading bay facing Willow Street and set back approximately 40 to 50 feet from the street. The properties beyond that are developed with one-story industrial buildings.

The property to the east of the subject ownership across Santa Fe Avenue is zoned M3-1-RIO and is developed with a one-story industrial building on the southerly portion of the site and a truck storage area on the northerly portion of the site. Vehicular ingress/egress is via a gated driveway along Santa Fe Avenue.

The adjoining property to the west of the subject property is in the M3-1 Zone and developed with a surface parking lot and filming location. The adjoining properties to the south, and across Willow Street are zoned M3-1-RIO and are developed with one and two story warehouse/ manufacturing facilities.

There are no proposed changes to the project's location, size, or height. A review of compliance with the conditions of approval determined that the use has been operating in substantial but not full compliance has been attained with the conditions of the prior action. Condition Nos. 7c (Certificate of Occupancy), 11

(Certified Covenant and agreement), and 20 (employees and security staff acknowledgment of review of the grant conditions) are each in the process of becoming compliant. The hours of operation are reasonable and the subject site is not near any sensitive uses. While there are no residential uses identified in the immediate vicinity except for artist residence units on 1317, 1327 and 1329 Willow Street, this area of the city has recently experienced a growth in conversions of industrial buildings into residential lofts. As conditioned herein, the continued operation of the facility will not adversely affect or degrade the neighborhood or 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 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 in the form of LAMC requirements. Except for the entitlement described herein, the Project does not propose to deviate from any other LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements adopted by the City Council. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Central City North Plan Map designates the property for Heavy Manufacturing land uses with a corresponding zone of M3 and Height District No. 1. The Community Plan text does not specifically address the requested conditional use for the sale of alcoholic beverages at a bar having live entertainment. The General Plan promotes the provision of services throughout the city in locations that are convenient to the public yet do not impact nearby properties. The site for the bar with live entertainment as conditioned is consistent with the community plan's goal of concentrating industrial areas in designated industrial planned locations. The Central City Community Plan includes Objective 3-2, "Encourage the continued development and maintenance of the artists-in-residence community in industrial areas of the proposed redevelopment plan areas and of the plan, as appropriate." Changing demographics in this area support the need for bar, restaurant, and event services in this area. As conditioned with proper management practices, the use will operate in harmony with the various elements and objectives of the General Plan.

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

The sale of alcoholic beverages, as seen in some parts of the City, has been identified as contributing to loitering, littering, prostitution, drug transactions, public urination, public drunkenness, nuisance, and other crime activities. However, feasible and effective mitigation measures are imposed to control potential crime and nuisance activities related to the sale of alcoholic beverages.

Conditions herein imposed are founded in descriptions of the uses as provided in the project proponent's application which establish the general character of the operation for all tenants. Conditions are imposed on this tenant to protect the surrounding area from land use impacts that could be caused by the sale of alcoholic beverages. Conditions imposed through this process include "operational"

conditions regulating hours of operation, number of patrons, prohibition on several other uses, providing security measures, proper maintenance, limitation on the noise level, and a complaint response program. The conditions are also intended to ensure the establishment does not require additional resources of Los Angeles Police Department to monitor and enforce the conditions of approval.

Several conditions are "operational" and will protect the community only if the current or future owner/operator continues to act responsibly to issues that adversely impact the community. Self-policing and enforcement by the property owner and management are important, if the use is to operate without significant adverse impacts to the community. However, each Approval of Plan imposes an automatic expiration the authorization. Basically, the condition is in case of an operator's possible lack of sensitivity to the needs of the community and consideration of changed conditions in the surrounding area.

In this instance, a seven (7) year period is imposed since the proponent is only partially compliant with the conditions of approval from the 2012 grant, and the area is continues an ongoing a dynamic change in the fabric of its stakeholders. This area of the city has recently experienced a growth in conversions of industrial buildings into residential lofts. As conditioned herein, the continued operation of the facility will not adversely affect or degrade the neighborhood or public health, welfare, and safety.

5. **The granting of such application will not result in an undue concentration in the Area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, 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 such establishments within a one thousand feet 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.**

As reported by the Los Angeles Police Department, within Crime Reporting District No. 159 in the Hollywood Division, which has jurisdiction over the subject property, a total of 133 crimes were reported in 2014, compared to the citywide average of 163 crimes and the high crime reporting district average of 196 crimes for the same period.

Part I crimes came to 133, of which the majority of crime were 90 instances of "Larceny". There were 133 Part II arrests. Of the Part II arrests in 2014, there were 6 Other Assault, 0 Forgery/Counterfeit, 0 Embezzlement/Fraud, 0 Stolen Property, 0 Weapons Violations, 0 Prostitution Related, 1 Sexual Offenses, 0 Domestic Violence, 33 Narcotic/Drug Related, 6 Liquor Law Violations, 12 Drunk in Public, 0 Disturbing the Peace, 8 Disorderly Conduct, 0 Gambling, 9 DWI, and 46 Other related arrests. These categories make up approximately 57 percent of the Part II arrests.

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 2 on-sale licenses and 1 off-sale license are allocated to

subject Census Tract No. 2060.31. There are currently 28 on-site public premises licenses and 8 on-site beer and wine licenses in this Census Tract.

Based on staff research and information submitted by the applicant, there are a total of five active alcohol establishments within a 1,000 foot radius of the subject property:

- (1) Type 41 - Off-Sale – Beer and Wine Only:
The Springs, 608 South Mateo Street
- (3) Type 47 – On-Sale – General:
Bridge Tavern (Villian's), 1356 Palmetto Street
Zinc Café and Market, 580 South Mateo Street
Lot 613, 613 Imperial Street
- (1) Type (9) - Non-Retail – Beer and Wine Importer

The number of establishments (i.e., exceeding the allocation) and crime (i.e., high crime area) and arrest (e.g., high number of DWIs) data indicate a low demand on Los Angeles Police Department resources related to alcoholic beverage outlets. However, conditions of approval will be imposed to ensure the use does not create the need for monitoring and enforcement. Conditions herein imposed are founded in descriptions of the uses as provided in the project proponent's application which establish the general character of the operation for all tenants. In conclusion, conditions are imposed to ensure the use does not have a detrimental impact to the community.

Also, in the opinion of this decision-maker, continuing the conditional uses granted to establishments governed by prevailing conditions and, operate within compliance of those prevailing conditions, has been successful throughout the City in protecting surrounding areas in part because it creates a competitive factor that crowd out other less desirable establishments.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the Area after giving consideration to the distance of the proposed use from the following: 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.**

There are currently no sensitive uses within 1,000 feet of the site. While there are no residential uses identified in the immediate vicinity except for artist residence units on 1317, 1327 and 1329 Willow Street, this area of the city has recently experienced a growth in conversions of industrial buildings into residential lofts.

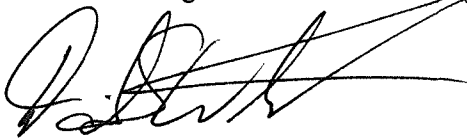
Overall, the operation of the establishment appears to have been conducted in a manner that has mitigated impacts. The applicant has indicated that he works closely with the Police Department and with the community. The applicant has made efforts to create an ongoing dialogue to protect the neighborhood as well as the applicant's operation.

Since the grant will expire in 2022, a subsequent review is not required, however, modified Condition No. 9 does preserve the right to require the applicant to file a plan approval if evidence should show continued documented evidence that there is interference with the peaceful enjoyment of the adjoining and neighboring properties. A new covenant is required to be filed within 30 days of the effective date of this action as the conditions have been modified. The conditions and grant run with the land. The conditional use approval is not automatically terminated upon any closure of the establishment or a change in ownership. Thus, it is important that the most recent conditions be recorded against the land.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside the 500-year flood plain.
8. On May 12, 2015, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV 2015-1086-CE, for a Categorical Exemption, Class 1, Category 22. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding this matter shall be directed to Jennifer Karmels, Planning Staff for the Office of Zoning Administration at (213) 978-1165.



DAVID S. WEINTRAUB
Associate Zoning Administrator

DSW:JK:Imc

cc: Councilmember Jose Huizar
Fourteenth District
Adjacent Property Owners