

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

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

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

VINCENT P. BERTONI, AICP
DIRECTOR
SHANA M.M. BONSTIN
DEPUTY DIRECTOR
ARTHI L. VARMA, AICP
DEPUTY DIRECTOR
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
planning.lacity.org

September 28, 2021

Rahim Amidhoozour (A)
TENTEN Live, LLC
370 Convention Way
Redwood City, CA 94063

1027 Wilshire JV, LLC (O)
370 Convention Way
Redwood City, CA 94063

Crystal Villalpando & Jim Ries (R)
Craig Lawson & Co., LLC
3221 Hutchison Avenue, Suite D
Los Angeles, CA 90034

CASE NO. ZA-2021-1439-MPA
MAIN PLAN APPROVAL
Related Cases: ZA-2019-7504-MCUP,
ZA-2021-555-MPA
1027 Wilshire Boulevard (621-637 St. Paul
Avenue), Suite 101
Westlake Planning Area
Zone : CW (C4(CW)-U/6)
C.D. : 1 - Cedillo
D.M. : 130-5A207
CEQA: ENV-2021-1441-CE
Legal Description: Lots 67-73, Replat of
lots 64-67, 1/2 of Subdivision of the
Lands of St. Paul's School situated in Lot
1 Block 37 Hancocks Survey

Pursuant to CEQA Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301, Class 1, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies,

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

a Main Plan Approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and the sale of a full line of alcoholic beverages for off-site consumption at a proposed ground floor café in the CW Zone,

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale of a full line of alcoholic beverages for on-site and off-site consumption with a new 1,223 square-foot café (Restaurant A) with a 1,044 square-foot outdoor area subject to the following limitations:
 - a. Hours of operation shall be limited to 6:00 a.m. to 2:00 a.m., daily.
 - b. The indoor area shall be limited to a maximum of 30 indoor seats.
 - c. The outdoor area shall be limited to a maximum of 76 outdoor seats.
 - d. The number of seats is approved, provided that the number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety. If a lower number of seats is approved, the applicant shall submit a revised floor plan to the Development Services Center to be included as part of the Exhibit "A".
8. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.

9. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
10. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
11. There shall be no Adult Entertainment of any type pursuant to Los Angeles Municipal Code Section 12.70.
12. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within the property such as, noise barriers, sound absorbers or buffer zones.
13. A camera surveillance system shall be installed at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
14. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
15. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
16. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.
17. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the hostess station

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

18. **STAR/LEAD/RBS Training.** Within the first six months of operation or the effectuation of the grant, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter/certificate identifying which employees completed the training. Thereafter, STAR/LEAD training shall be conducted for all new hires within three (3) months of their employment.
19. An electronic age verification device shall be retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
20. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
21. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
22. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
23. Smoking tobacco or any non-tobacco substance including from electronic smoking devices is prohibited in or within 10 feet of any outdoor dining/entrance to the restaurant in accordance with Los Angeles Municipal Code Section 41.50 B2C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
24. The applicant shall comply with California Labor Code Section 6404.5(b) which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment. The applicant shall not

possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

ADMINISTRATIVE CONDITIONS

25. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
- a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
26. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
27. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may

modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

28. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- (v) 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 **OCTOBER 13, 2021**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

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

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2598

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on September 21, 2021, 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 permit under the provisions of Section 12.24-M have been established by the following facts:

BACKGROUND

The subject property is located on approximately 90,969 net square feet and is comprised of six, rectangular shaped lots. The site is bounded by Wilshire Boulevard to the southwest

and has a frontage of approximately 184 feet, St. Paul Street to the southeast with a frontage of approximately 449 feet, and an alley to the northwest.

The subject property is zoned C4-(CW)-U/6 with a land use designation of Regional Center Commercial within the Westlake Community Plan Area and the Central City West Specific Plan. The subject property is also located within a Transit Priority Area in the City of Los Angeles (ZI-2452), the Los Angeles State Enterprise Zone (ZI-2374), and a Freeway Adjacent Advisory Notice for Sensitive Uses Area (ZI-2427).

The site is currently under construction as a mixed-use building having commercial uses on the ground floor and residential uses above of the property, which was approved by Case No. APCC-2009-3280-SPE-ZV-ZAA-SPP-SPR on October 22, 2010. A maximum of 390,000 square feet of floor area was approved for the project site that allows for certain uses of land that are permitted within the existing zone. Of that square footage, a maximum of 10,500 square feet of ground floor area was approved for commercial (ground floor) and office use.

A Main Conditional Use (MCUP) was granted in August 2020 under Case No. ZA-2019-7504-MCUP to allow on-site and off-site sale and dispensing of a full line of alcoholic beverages. The MCUP approved, a restaurant having 30 indoor seats and 76 outdoor seats; a restaurant having 158 indoor seats and 148 outdoor seats; and a rooftop terrace residential amenity having 310 outdoor seats. The MCUP approved each of these tenant spaces with hours of operation from 6:00 a.m. to 2:00 a.m., daily.

The request is for a Main Plan Approval for an approximately 2,267 square-foot ground floor café (Restaurant A) located within Suite 101 of the subject building, which includes 1,223 square feet of indoor area and 1,044 square feet of outdoor area to allow a full line of alcoholic beverages, including beer, wine, and distilled spirits, for on-site and off-site consumption. The ground floor café will have 30 indoor seats and 76 outdoor seats fronting on Wilshire Boulevard. There will be no outdoor seating within the public right of way. All outdoor seating will be within private property. The proposed hours of operation are from 6:00 a.m. to 2:00 a.m., daily. The site provides two parking spaces for every one thousand square feet of combined gross floor area of commercial, business, retail, restaurant, bar and related uses as required by lots in an Enterprise Zone. Currently there are no active Main Plan Approval entitlements. The subject Plan Approval enables the Zoning Administrator to consider more closely the nature of each operation and to impose further conditions as necessary.

SURROUNDING PROPERTIES

The surrounding area is characterized by properties all zoned CW with Regional Center Commercial uses. The proposed use is a new development that is currently under construction. The site is situated in the Subdivision of the Lands of St. Paul's School Tract. The property is currently being constructed and is similar in form with properties in proximity, having commercial office and retail space at street level, and residential uses above. Adjoining the subject property to the east is a governmental building zoned CW for Regional Center Commercial. To the north, and abutting the property is a parking lot for the subject site as well as other residential uses of the same zone. To the south of the subject site, are mixed-use developments with ground floor commercial and residential uses on upper levels.

STREETS

Wilshire Boulevard adjoining the subject property on the south, is a designated Avenue II, and is currently dedicated to a varying right-of-way width of between approximately 91 to 100 feet along the street frontage and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

St. Paul Avenue east of the subject property is a designated Local Street-Standard, and is currently dedicated to a right-of-way width of approximately 80 feet along the street frontage and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

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

Case No. ZA-2019-7504-MCUP – On August 24, 2020, the Zoning Administrator approved a Main Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for both on-site and off-site consumption at a proposed ground floor restaurant/café, and the sale and dispensing of a full line of alcoholic beverages for on-site consumption at a second restaurant located on the ground floor and at a roof top terrace residential amenity.

Case No. APCC-2009-3280-SPE-ZV-ZAA-SPP-SPR – On October 22, 2010, the Central Area Planning Commission approved a Specific Plan Exception to allow 86% of the trees to be planted off-site and zero off-site parking spaces within the boundaries of the Central City West Specific Plan, and within the First Council District; to approve zone variances and adjustments.

Case No. APCC-2006-203-SPE-ZV-ZAA-SPR-SPP – On August 31, 2006, the Central Area Planning Commission approved a Specific Plan Exception to set aside 15% low-income affordable dwelling units to be provided at an off-site location adjacent to the site, within the boundaries of the Central City West Specific Plan, and within the First Council District; to approve zone variances, and adjustments.

Case No. VTT-65562 – On June 29, 2006, the Director of Planning approved a vesting tentative tract for the subject property for a maximum of 402-unit residential condominium and 4-unit commercial condominium units as shown on map stamp-dated January 10, 2006, in the Westlake Community Plan.

Previous Cases on Surrounding Properties

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages and patron dancing. The following cases were identified to be within 600 feet of the subject property and filed within the last five years:

Case No. ZA-2020-5484-MPA – On February 18, 2021, the Zoning Administrator approved a Plan Approval to permit the sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing market, located at 1120 West 6th Street.

Case No. ZA-2018-131-CUB – On June 21, 2018, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a restaurant in the C4(CW)-U/6 Zone, located at 1111 West Wilshire Boulevard.

Case No. ZA-2017-3453-MPA – On December 4, 2017, the Zoning Administrator approved a Plan Approval for the off-site sales of beer and wine within a newly established market in the C4(CW)-U/4.5 and C4(CW)-U/6 Zone, located at 619 South Bixel Street.

Case No. ZA-2016-2071-CUB – On October 13, 2016, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant/bar in the C4-4D Zone.

PUBLIC CORRESPONDENCE

No public correspondence has been received.

PUBLIC HEARING

The public hearing was conducted entirely telephonically in conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19 on September 21, 2021, at approximately 10:00 a.m. The hearing was attended by the applicant's representatives, Jim Ries and Crystal Villalpando of Craig Lawson & Company, No other members from the community were present. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

Mr. Ries made the following statements:

- This is a request for a main plan approval for a proposed café within a mixed-use building.
- The MIDI Group, the applicant, has 65 years of experience.
- The site is in downtown Los Angeles, and fronts Wilshire Boulevard to the south, between St. Paul to the east and Bixel to the west.
- In August 2020, an MCUP was granted for three uses, a restaurant, café and amenity space.
- This project is for the café that will have 2,267 s.f., where 1,223 s.f. is indoors with 30 indoors seats, and a 1,044 s.f. outdoor patio within the property lines with 76 outdoor seats.
- Hours of operation are from 6 a.m. to 2 a.m., daily.
- On-site security will be present 24 hours, daily.
- Parking will meet Code requirements and there will be on-site valet operation. Parking is shared with two other buildings.
- The project will bring many benefits including a viable dining option to the community, accessible to the neighborhood, boost the downtown economy, new investment, eyes on the street, and will have a dedicated Lyft/Uber space.
- Support was received from the Downtown Los Angeles Neighborhood Council and representatives from the Piero Building.

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

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

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

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

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 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-M of the Los Angeles Municipal Code. In order for the sale and dispensing of alcoholic beverages to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

CONDITIONAL USE FINDINGS

1. The project will enhance the built environment in the surrounding

neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.

The subject property is located on approximately 90,969 net square feet and is comprised of six, rectangular shaped parcels. The site is currently under construction as a mixed-use building having commercial uses on the ground floor and residential uses above of the property, which was approved by Case No. APCC-2009-3280-SPE-ZV-ZAA-SPP-SPR on October 22, 2010. A maximum of 390,000 square feet of floor area was approved for the project site that allows for certain uses of land that are permitted within the existing zone. Of that square footage, a maximum of 10,500 square feet of ground floor area was approved for commercial (ground floor) and office use.

The project is located in the Central City West Specific Plan area. The project will provide a beneficial amenity to the community by increasing the amount of dining facilities available in the area. Abutting the property along Wilshire are properties comparable in size and building typology also in the CW zone. Properties abutting the subject site are mixed use residential with commercial uses on the ground floor. Within 600 feet of the property, there are 11 residential uses inclusive of 10 multi-family buildings and one condominium building.

The Main Plan Approval allows for on-site and off-site sale and dispensing of a full line of alcoholic beverages in conjunction with a proposed 2,267 square-foot ground floor café, having 30 indoor seats and 76 outdoor seats with hours of operation from 6:00 a.m. to 2:00 a.m., daily.

Pursuant to Case No. ZA-2019-7504-MCUP, the Zoning Administrator approved a Main Conditional Use Permit (MCUP) permitting the sale of a full-line of alcoholic beverages at two restaurants and one roof-top bar. While the sale of alcoholic beverages is already authorized by the MCUP, the subject Main Plan Approval allows the Zoning Administrator to consider more closely the nature of each venue's operation and to impose further conditions as necessary. The application, floor plans, and proposed operation of the café have been reviewed and conditions have been imposed accordingly.

A variety of commercial uses are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood. The availability of a café with a full line of alcoholic beverages for on-site and off-site consumption will offer a dining and drinking amenity that caters to the local community and visitors to Central City West. The request does not represent the introduction of a use uncommon to the area, as there are restaurants and bars in the vicinity that sell alcoholic beverages.

The imposed conditions of approval in conjunction with the proposed café will ensure that the service of alcohol will not be disruptive to the community. These conditions address operational, security, monitoring, and concerns related to alcohol sales and off-site consumption. The café's operation, including the service of alcohol, will provide a beneficial service to the neighborhood and will be consistent with the commercial development of the area.

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 project site was approved for conformity with the General Plan and the Central City West Specific Plan with Specific Plan Exception, Zone Variance, and Project Permit Compliance by the Central Area Planning Commission (APCC-2009-3280-SPE-ZV-SPP-SPR). The subject site has a general plan land use designation of Regional Center Commercial.

The site is currently under construction as a 10-story mixed use building having commercial uses on the ground floor and residential uses above of the property. The site has a calculated parcel area of 11,033.8 square feet. The subject site fronts Wilshire Boulevard. The request does not alter the location, size, height, or other significant features of the on-site building and will only consists of minor improvements.

As authorized by the MCUP and Main Plan Approval, three establishments, including subject café, are permitted to operate from 6:00 a.m. to 2:00 a.m., daily. The project complies with the conditions of the main permit and thus are compatible with the surrounding area.

The subject property is zoned and being developed in a manner consistent with both the City's desired land use designation for the site and the surrounding area. The sale and dispensing of full-line alcohol incidental to café meal services are compatible with the designated land uses. The project is further compatible with the function of the surrounding area as a major dining and entertainment hub and is a desirable use which contributes to the economic vitality of the area. Only minor improvements for the subject property are proposed, and there are no changes in any existing physical conditions or significant features, including parking. Thus, the project will not have any significant additional adverse impacts over the existing uses and will be compatible with adjacent properties and the surrounding community.

As conditioned, the Main Plan Approval in conjunction with the subject café will complement and support the adjacent residential, commercial, and office uses. Conditions have been imposed in the grant to address nuisances, security, mode and character, and responsible management. A complaint number posted at the front of the café and the maintenance of the complaint log will enable abutting neighbors and the community to inform the owner of complaints of the use. Furthermore, employees will be required to participate in training pertaining to alcohol sales. As conditioned, the operation of the café with the sale of a full line of alcoholic beverages for on-site and off-site consumption and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development of the community.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. Objective 7.3 of the Framework Element sets a goal to "maintain and enhance the existing businesses in the City" and Policy 7.3.2 encourages the establishment and retention of "neighborhood commercial activities within walking distance of residential areas."

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The proposed project conforms with the purpose of the General Plan and Central City West Specific Plan. The subject site has a land use designation for Regional Center Commercial, with a corresponding zone of CW. The General Plan and zoning allow for this type of commercial use; therefore the project is compliant with these Plan and zoning provisions. The proposed use of the subject site is consistent with the intent of the plan to "establish a complete 24-hour community for all segments of the population, with jobs and housing, needed public facilities, recreation/entertainment and amenities, open spaces and pedestrian oriented places", and aids to advance the objectives and policies identified in the Central City West Specific Plan indicated below:

Objective 1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services

Policy 4: That neighborhood markets and retail and service establishments oriented to the residents be retained throughout the community, within walking distance of residents

The proposed project satisfies the goals of the land use element and will create more foot traffic in the area, enhancing pedestrian-oriented urban environment in the neighborhood, with great entertainment and food options for residents, workers, and visitors.

The Westlake Community Plan is silent with regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Plan. The Los Angeles Municipal Code authorizes the Zoning Administrator to grant the requested Main Plan Approval in the zones corresponding to the Plan land use designation. The proposed venues are permitted uses by the Central City West Specific Plan land use category and zone. The Main Plan Approval authorization for the sale of alcoholic beverages is allowed through the approval of the Zoning Administrator subject to certain findings. The required findings in support have been made herein. Given the conditions of approval, the Main Plan Approval authorization will align with the General Plan, as it will strengthen viable commercial development at the site.

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

Approval of the Main Plan Approval for the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption in conjunction with the subject café will not adversely affect the welfare of the community. Similar to many of the uses located surrounding the subject site, the incidental service of alcohol will not be new or uncommon in the neighborhood. It is a service that is commonly requested by patrons and is therefore offered to enhance patrons' experience. The sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption will be ancillary to any food services. As such, the café will complement the commercial character of the neighborhood as well as contribute to the collection of tax revenue and the increase of employment opportunities in surrounding area.

With oversight for the California Department of Alcoholic Beverage Control (ABC) and conditions which have been imposed upon the market, the project is compatible with the character of the immediate neighborhood. Such conditions include the requirement of security measures such as a surveillance system and deterrence of graffiti and loitering. In addition, the grant requires the use and maintenance of an age verification device to deter underage purchases and drinking. Employees must also undergo STAR (Standardized Training for Alcohol Retailers) training, provided by the Los Angeles Police Department, LEAD (Licensee Education on Alcohol and Drugs) training, or RBS (Responsible Beverage Service) provided by the Department of Alcoholic Beverage Control. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare, and safety of the community. Therefore, it is expected that the sale and dispensing of a full line of alcoholic beverages for on-site and off-site consumption will not adversely affect the welfare of the pertinent community.

5. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, two (2) on-site and one (1) off-site consumption licenses are allocated to the subject census tract (Census Tract 2092.00). There are currently 7 on-site licenses and 3 off-site licenses in this census tract.

Within 1,000 feet of the subject site, there are 14 alcohol-selling establishments.

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 249, which has jurisdiction over the subject property, a total of 305 crimes were reported in 2020 (255 Part I and 50 Part II crimes), compared to the Citywide average of 141 crimes and the High Crime Reporting District average of 169 crimes. Part I Crimes reported by LAPD include Homicide (2), Rape (3), Robbery (15), Aggravated Assault (22), Burglary (37), Auto Theft (40), Larceny (136). Part II Crimes reported include, Other Assault (6), Forgery/Counterfeit (0) Embezzlement/Fraud (0), Stolen Property (0), Weapons Violation (8), Prostitution Related (4), Sex Offenses (0), Offenses Against Family (0), Narcotics (6), Liquor Laws (1), Public Drunkenness (2), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (6), Moving Traffic Violations (1), and Miscellaneous Other Violations (11). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

While the site is in a district where the crime rate is higher than the citywide average, there is no specifically established link between the above information and the property since the statistics cover an entire district and do not pertain particularly to the subject site. No evidence was submitted to the record establishing any link between the subject site and the area's crime rate. The incorporation of conditions relative to the specific operation of the establishment was deemed necessary to mitigate any possible adverse impact on the welfare of the surrounding area.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license provides a public service and benefits the community. In this case, the granting of the application will not result in undue concentration as the project will enable the provision of an additional service and destination to complement the neighborhood. Although the number of existing licenses exceeds the number allocated to the subject census tract, a higher number of alcohol-serving establishments is to be expected in an area which functions as a major commercial corridor with a variety of commercial services and amenities. In active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents.

The project will not adversely affect community welfare because the proposed café is a desirable use in an area designated for commercial uses. The proposed project will continue to provide a convenience to workers, visitors, and residents in the immediate neighborhood and as conditioned, will not negatively impact the area. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety, and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site is zoned C4(CW)-U/4.5 and C4-(CW)-U/6 and is located within the Westlake Community Plan with a Regional Center Commercial land use designation. The site is located along a commercial corridor where there is a diversity of uses including nearby residential. The following sensitive uses are located within a 1,000-foot radius of the site:

- Multi-family Residences
- Condominiums
- Iglesia Evangelica “Jesus” Salva – 459 South Bixel Street
- Para Los Ninos Evelyn T. Gratts Primary Center – 474 South Hartford Avenue
- Gratts Early Education Center – 1415 West 5th Street
- The Hospital of the Good Samaritan – 1225 Wilshire Boulevard

The subject property is located within the proximity of sensitive uses; however, it is located along an established commercial corridor. Consideration has been given to the proximity of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to serving the neighboring residents, local employees, as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

Such imposition of conditions herein will make the applicant and subsequent Plan Approval Applicants accountable to the surrounding uses. Should there be any evidence of a nuisance, the Zoning Administrator has the authority to require that the applicant file for a plan approval review with a public hearing to address possible issues and impose corrective measures, and/or institute nuisance abatement procedures to mitigate any impacts/problems or to revoke the use if warranted.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, outside of the Flood Zone.

Inquiries regarding this matter shall be directed to Sarahi Ortega, Planning Staff for the Department of City Planning at Sarahi.Ortega@lacity.org or (213) 978-1383.



HENRY CHU
Associate Zoning Administrator

HC:SO:bk

cc: Councilmember Gilbert Cedillo
First Council District
Adjoining Property Owners