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April 12, 2022

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Los Angeles, CA 90013

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Los Angeles, CA 90016

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FE Design & Consulting
327 East 2nd Street, Unit 222
Los Angeles, CA 90012

CASE NO. ZA-2021-3872-CUB-CUX
CONDITIONAL USE

603-605 East 4th Street
Central City Planning Area

Zone : M2-2D-O

C.D. : 14

D.M. : 127-5A215

CEQA : ENV-2021-3873-CE

Legal Description: Lot 15-16, Block 4,
Wolfskill Orchard Tract

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

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

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

a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a bar.

Pursuant to LAMC Section 12.24-W, 18, I hereby DISMISS:

a Conditional Use to allow patron dancing in the M2-2D-O Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed 3,798 square-foot bar inclusive of 1,764 square-foot indoor area and a 2,034 square-foot patio area. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 10:00 a.m. to 2:00 a.m., daily.
 - b. Indoor seating shall be limited to a maximum of 60 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - c. Outdoor seating on-site shall be limited to a maximum of 130 seats. The final number of seats and their location may be modified by the Department of Building and Safety in order to provide accessibility and required clearances from existing structures.
 - d. There shall be no live entertainment conducted on the outdoor patio.
8. After hour use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. 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.
10. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.

11. The applicant shall prepare a security plan for review and approval by the LAPD. No later than 12 months after the issuance of the Certificate of Occupancy for the basement bar, the applicant shall meet with LAPD Central Vice to determine the effectiveness of the security plan. A copy of the security plan shall be submitted for the case file.
12. Operator shall attend periodic meetings with the LAPD, The Council Office, and community members to discuss ongoing operations, recent complaints, and shall make revisions to operational procedures in order to address issues to the satisfaction of the LAPD.
13. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
14. The applicant shall prepare a security plan for review and approval by the Police Department. The approved security plan will be maintained by the Department of City Planning and be made be available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
15. The applicant shall provide at least one State licensed security guard for every 75 patrons on a daily basis and shall provide sufficient security officer(s) both inside and outside during the hours of operation. The guards shall comply with the requirements of the California Business and Profession Code Section 7582.26(f).
16. All security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card. The security personnel shall be dressed in a clearly marked uniform or professional attire that is readily identifiable to patrons and law enforcement personnel.
17. 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 motor vehicle and actively encouraging the alternative use of designated sober drivers and/or having the security personnel call a taxicab or other driving service.
18. 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, to the reasonable extent possible:
 - a. Encourage patrons to exit quietly
 - b. Prevent loitering at the entrance and parking area of the premises.
 - c. Provide supervised security staff-assisted escorts especially at closing, from the location to the patron's car.
 - d. Patrol the parking area utilized by patrons.
19. 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.
20. 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.

21. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:

- a. Entry, visible to pedestrians.
- b. Customer service desk, front desk or near the reception area.

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

22. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
23. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
24. 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.
- a. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
25. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
26. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris or litter.

27. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
28. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
29. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
30. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
31. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
32. 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.
33. 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.
34. No conditional use for dancing has been approved herein. Dancing is prohibited.
35. Entertainment in conjunction with the restaurant is limited to a small bands, singer/songwriter acoustic sets, and vinyl DJ.
36. There shall be no speakers or amplified sound permitted in the outdoor dining area.
37. All entertainment shall be conducted within a wholly enclosed building; there shall be no live entertainment in the outdoor patio area at any time.
38. The applicant / operator shall obtain permits from the Los Angeles Police Permit Processing Section, pursuant to LAMC Sections 103.102 and 103.106. Copies of said permits shall be submitted to the Department of City Planning **within 30 days of their issuance** for inclusion in the case file.

39. If the premise has live entertainment (i.e. disc jockey, karaoke, comedy shows, live events, or similar events) the business operator shall go through the process set by LAPD Commission Investigation Division for a "Live Café Entertainment" permit.
40. Any live music performances shall require the appropriate permit from the Police Commission.
41. The operator shall retain full control of all events within the subject premises. At no time will the premises host raves or other similar events. The premises shall not sublet to outside promoters or to any third parties for private parties or special events.
42. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
43. Staff of the facility will monitor the immediate vicinity in order to ensure that no public consumption of alcoholic beverages occurs. Staff of the facility will also be responsible to constantly monitor and ensure patrons do not take open alcoholic beverages for on-site and off-site consumption beyond the entrance doors onto the sidewalk.
44. Security/business operator shall monitor the sidewalk area used for patron smoking and work to discourage noise or nuisance behavior.
45. Queue lines will not go past the property line. The business operator shall have sufficient security dedicated for the queue lines, based on crowd estimate. Security will monitor for code of conduct violations, to prevent noise issues with residents and the surrounding buildings.
46. Amplified music shall not be audible beyond the outside of the premises and sound equipment shall be insulated and positioned away from walls to render vibrations and reverberations beyond the premises.
47. The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons existing and crowd control during entry and exiting.

ADMINISTRATIVE CONDITIONS

48. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
49. 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.

50. 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 documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
51. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E, 3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
- a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

52. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve

the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

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 **APRIL 27, 2022**, 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
Figuroa Plaza
201 North Figuroa Street,
4th Floor
Los Angeles, CA 90012
[\(213\) 482-7077](tel:(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](tel:(818)374-5050)

West Los Angeles
West Los Angeles
Development Services
Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
[\(310\) 231-2598](tel:(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 1, 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 approval under the provisions of Sections 12.24-W, 1 and 18 have been established by the following facts:

BACKGROUND

The subject site is a level, corner lot consisting of approximately 5,507 square feet with a frontage of 55 feet on the north side of 4th Street and a frontage of 100 feet on the east side of Town Avenue. The site is developed with a two-story building with an existing restaurant (High Tide) and an art gallery (Little Space Gallery) on the ground floor. The site is not located within a landslide, liquefaction, Alquist-Priolo Fault Zone, or Tsunami Inundation Zone. It is, however, located within a Methane Hazard Site.

The property is zoned M2-2D-O and is located within the Central City Community Plan, the Central Industrial Redevelopment Project (ZI-2317), a Transit Priority Area (ZI-2452), the Greater Downtown Housing Incentive Area (ZI-2385), Los Angeles State Enterprise Zone (ZI-2374), the Adaptive Reuse Incentive Area, the Downtown/Central City Parking Area, Fire District 1, and is within 1.6 kilometers of the nearest known fault (Puente Hills Blind Thrust).

In 2018, the Zoning Administrator approved a Conditional Use under Case No. ZA-2017-5070-CUB to allow the sale and dispensing of beer and wine for on-site consumption at a restaurant in conjunction with a 1,762 square foot restaurant with outdoor dining. At the time of submittal, the applicant requested a Conditional Use to permit the sale of a full line of alcoholic beverages for on-site consumption for a proposed 3,798 square-foot bar, inclusive of a 1,764 square-foot indoor area with 60 seats and a 2,034 square foot patio area for dining with 130 seats. The proposed hours of operation are from 10:00 a.m. to 2:00 a.m., daily. However, in response to the concerns raised during the public hearing, the initial request for dancing has been rescinded by the applicant and is no longer part of the request. Therefore, the request for dancing has been dismissed by the Zoning Administrator.

The northern adjoining property is zoned M2-2D-O and is developed with a two-story building used for auto repair. The eastern adjoining property is zoned M2-2D-O and is developed with a vacant industrial building. The southern adjoining property (across 4th Street) is zoned M2-2D-O and is developed with an event venue. The western adjoining property (across Towne Avenue) is zoned M2-2D-O and is developed with surface parking and a vacant industrial building.

STREETS

East 4th Street, adjoining the subject property to the south, is a designated Avenue II, dedicated to a Right-of-Way width of 86 feet and a Roadway width of 56 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Towne Avenue, adjoining the subject property to the west, is a designated Collector Street, dedicated to a Right-of-Way width of 66 feet and a Roadway width of 40 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Previous relevant cases, affidavits and orders on the subject property:

Case No. ZA-2017-5070-CUB - On May 2, 2018, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with the operation of a new restaurant, located in the M2-2D-O zone.

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 filed after 2010:

Case No. ZA-2018-3607-MCUP-CUX-CU - On April 16, 2019, the Zoning Administrator approved a Master Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a maximum of five establishments and the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a maximum of seven establishments; a Master Conditional Use Permit to allow patron dancing and live entertainment in conjunction with a special event hall and enclosed karaoke rooms and live entertainment in conjunction with a karaoke establishment; and a Master Conditional Use Permit to allow five or more coin- or slug-operated or electrically, electronically, or mechanically controlled game machines within a bowling alley/arcade; with varying hours of operation between 6:00 a.m. to 4:00 a.m. daily, located at 333 South Alameda Street.

Case No. ZA-2014-739-CUB - On May 23, 2014, the Zoning Administrator approved a Conditional Use to permit the continued sale and dispensing of beer and wine only for on-site consumption, in conjunction with an existing restaurant on property located within the M2-2D-O Zone, located at 333 South Alameda Street, Suites 120 and 125.

Case No. ZA 2013-0378-CUB - On June 20, 2013, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,558 square-foot restaurant with 46 seats, located at 333 South Alameda Street.

Case No. ZA 2011-2077-CUB-CU - On November 7, 2012, the Zoning Administrator approved a Conditional Use to allow the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant accommodating 580 patrons as part of a bowling alley/family entertainment center, and an amusement enterprise with video game arcade to operate 10:00 a.m. to 2:00a.m. daily, and the use of an amusement enterprise with video game machines, located at 333 South Alameda Street.

Case No. ZA 2010-0134-CUB - On June 29, 2010, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an expansion of a 2,544 square-foot restaurant to a total of 4,858 square feet, located at 333 South Alameda Street.

Case No. ZA 2009-2756-CUB-CUX - On January 10, 2011, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of alcoholic beverages for on-site consumption in conjunction with existing and proposed restaurants, located in Unit Nos. 100A, 108, 114, 125, 200, 200A, 305, and 310 at 333 South Alameda Street; and to allow patron dancing with live entertainment in conjunction with a special events hall proposed, located in Unit No. 200.

AGENCY CORRESPONDENCE

A letter was received from the Los Angeles Police Department, Central Area, dated February 19, 2022, stating they are not opposed to the project with 50 recommended operation conditions imposed.

A letter was received from the Arts District & Little Tokyo Neighborhood Council, dated January 21, 2022, stating support of the proposed project.

A correspondence was received Council District 14, dated October 21, 2021, stating that they have met with the applicants and community members and not supporting the request to remove food service.

PUBLIC CORRESPONDENCE

Opposition

A letter of opposition dated September 1, 2021, was received stating the following: Skid Row is a long established neighborhood of recovery and hub of social services; suffered injustices as a Black woman; government castrated Blacks through Jim Crow ordinances and laws of pathology and redlining; questions government being accountable; needs of people first; and can no longer talk about equality and empowerment while enforcing inequities.

A letter of opposition dated August 31, 2021, was received from the Skid Row Neighborhood Council Formation committee stating the following: application is in boundaries; previous restaurant model featured \$30-50 entrees and zero intentions of connection to immediate local needs in Skid Row; previous model did not make sense and clear signs looking to profit hard liquor sales; cut corners on previous alcohol application process on outreach causing confusion on fitting with Skid Row; LAPD voiced concerns on the previous application due to resources, public safety, and that it was just beer and wine; LAPD crime data shows significant increase in violent crimes around businesses that serve full line of alcohol past midnight; loud amplified music and entertainment; no track record of operating a successful business and no ties to community; focuses on profits; and building a better community does not required proliferation of alcohol established, especially in a recovery community.

Two letters of opposition dated August 31, 2021, were received.

A letter of opposition dated August 31, 2021, was received stating the following: late parties at High Tide resulting in a lot of traffic and no parking; nearby tenants' cars towed in order to provide parking spaces for its patrons; music and live performance as late as 1:00 a.m.; does not benefit neighborhood; secured parking and homeless did not congregate near building; conflict with existing neighbors (house and unhoused).

A letter of opposition dated August 31, 2021, was received from the United Coalition East Prevention Project (UCEPP) stating the following: UCEPP a program of Social Model Recovery systems to reduce alcohol and drug-related programs in the Skid Row Community; area already over-saturated by alcohol uses - Councilmember Kevin de Leon's letter to the Planning Commission dated June 15, 2021, stated concerns regarding overconcentration and area is a Recovery community, recommended a cap on existing license and no additional alcohol retail uses, informed and co-designed DTLA 2040 Community Plan language that limits alcohol access by disallowing new alcohol uses, Skid Row has five census tracts with 274 active licenses and only 27 allowed by ABC; ABC allows three on-site sale in Central Tract 2062 however 85 exist, decision maker to consider use, laws and guidelines for undue concentration; threatens sensitive uses in community – The Hart Apartments (39 units) 508 E. 4th Street, LA CADA Outpatient services at 470 E. 3rd Street, St. Joseph's Center at 333 S. Central Avenue, Project 180 at 470 E. 3rd Street, and five faith-based organizations and an education development center for children; misleading statements to the community – previous letter to Office of Zoning Administration dated April 14, 2018; create public nuisance that threatens neighborhood residents – hours and noise, no sound mitigation proposal, no parking or plan; heightened tensions between community residents and police - may result in additional criminalization and displacement of unhoused neighbors (LA City law 41.18 D) targeting tents on sidewalks, burden on already high crime police reporting district, and Little Tokyo Management, LLC owns the existing Type 41 license and Nowhere Group is seeking a Type 48 license and clear indication of dishonesty. Attachments include: A) Letter from Kevin de Leon to the City Planning Commission regarding Downtown Los Angeles Community Plan Updated DTLA 2040 dated June 15, 2021, B) ABC license query, C) UCEPP letter of opposition 2018, D) High Tide meeting minutes for May 14, 2018, E) Historical Cultural Neighborhood Council April 10, 2018 Agenda, and F) petition signed by 201 community members in opposition of the project.

A letter of opposition dated August 30, 2021, was received stating the following: impacts to the Homeless Healthcare needle exchange and health clinic located across the street and the low-income housing on 4th Street; incongruent with the efforts to improve/support public health efforts of Skid Row; aggravate existing police and resident tensions by criminalization and displacement of people experiencing homelessness (LA City law).

A letter of opposition dated August 30, 2021, was received from the Los Angeles Catholic Worker (Hippie Kitchen) stating the following: incongruent with the efforts to improve/support public health efforts of Skid Row; aggravate existing police and resident tensions by criminalization and displacement of people experiencing homelessness (LA City law).

Support

A letter of support was received from Skid Row Brigade, stating High Tide fits into the neighborhood.

Two letters of support were received from neighborhood stakeholders, stating High Tide have been great neighbors and will continue to be responsible operators.

A letter of support was received from Aster Hotel, dated August 11, 2021, stating the hotel is a privately held 20 room SRO residential building; supports the entitlements; foodservice and nightlife use will be a welcome addition to the neighborhood.

48 letters were received in support of the project stating High Tide have been great neighbors and will continue to be responsible operators.

29 letters of support have been received from the Skid Row neighborhood.

PUBLIC HEARING

The hearing was held on September 1, 2021 at 10:30 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the Office of Zoning Administration Public Hearing was conducted entirely remotely.

Manny Diaz, the project representative, presented a presentation and stated the following:

- Within Arts District, adjacent to Skid Row
- There are a few council areas surrounding the area
- There is an existing eight-foot high wall for the outdoor patio
- Installed landscaping
- 2018 changed the use from auto to a restaurant
- No parking required for the change of use, Enterprise Zone
- ABC license, no disciplinary action from ABC
- Before this was art gallery with glass flowing
- The frontage will still have art area
- Has strong ties with the art community
- The interior will look pretty much the same as today
- Entertainment area is the same
- Will add dance floor; won't always have but in event will store away the chairs; will fix problem if someone gets up to dance during live performance
- The events are not changing from before
- Removing the outside art display and will replace with service counter
- Food was well received in past, business couldn't be maintained with take-out only
- More focus on live entertainment
- Square footage is the same for the interior and exterior
- Prior had beer and wine and now full liquor
- Same operator, same track record
- Met with Central Area Vice in June and withhold correspondence until after hearing; will submit to file
- Met with Neighborhood Council last night and they supported; full board will be in two weeks September 14th
- Little Tokyo Neighborhood Council did not vote
- Received 40 letter of support
- Downtown BID is supportive of project
- Talked to Council District 14 and they recommended advisement for two to three weeks

Ten members of the public spoke in opposition of the proposed project:

- There are enough liquor establishments in restaurants and after hour bars
- Regentrification of Skid Row
- Many are mediated and in recovery
- Encourage violence in the area
- Business has lack of the community
- Detrimental to the Skid Row Housing Trust, 39-unit at 618 East 4th and Astor Hotel at 508 East 4th
- Proposed hours will hinder the residents
- Submitted letter, 169 signed community letters
- This has always been in bar
- According to documents and per Council, this area is Skid Row
- Equity and diversity issue

- Over concentration of alcohol, 29 are allowed and there are 85
- This is a Recovery Community
- This is not located in Little Tokyo
- This can go to the adjacent neighborhoods – Art District and Little Tokyo
- Opposed the restaurant project in 2017; did no outreach
- Detrimental to the well-being of the residents (housed and unhoused)
- Issues - security harassed residents, car impounded, hit and run in community
- Don't need bar/nightclub
- Concentration/hub of homeless
- Contradicts the Community Plan, alcohol in downtown
- The site is fully in Skid Row
- Located in Recovery Area/Community
- Had 53 recovery meetings in Skid Row
- Hate to see them use the art as a trojan horse, just like Gallery Row is just signs
- Family, food, and glass blowing is all gone with this
- Patrons have little regards to the community
- Many people in area are in recovery
- Blacks have been exploited historically, suffered by government and abuser, not accountable
- Needs to put people first
- Public intoxication
- High density location and downtown

Four members of the public spoke in support of the proposed project:

- Known owners for four years and they are honest and forthright
- They had to cover restaurant, pandemic hit them hard
- The liquor is to cover the art and music
- This is not just a bar to drink, but for art and music
- They are not dishonest and this is not a trojan horse
- The drag race and attack on homeless are from street gangs and are not the artists
- Boundaries exist
- Not congested with homeless people
- It was a restaurant, place of community
- High rise residential, this is a place for people to go
- Enjoy going there
- The business is beautiful
- Area needs light and energy
- Restaurant was hurt after COVID and needs sunshine
- COVID hit hard/hurt the restaurant
- They care about the community

Emma Howard, Planning Director for Council District 14:

- Applicant did do a lot of outreach - Arts District Neighborhood Council supports the project, reached out to LAPD Vice; the office likes to see this outreach
- Challenging service to survive in the pandemic
- Economic Recovery
- Coalition/UCEPP comment letter
- The Council Office engage in advocacy in Skid Row, June DTLA40, early phase
- There was no specific policy when applicant did outreach
- May be inconsistent with plan

- Future may be non-conforming use
- Request to keep case under advisement to allow to meet with applicant
- Will submit letter
- There is nothing in place right now

In response to comments raised during the public hearing and questions raised by the Zoning Administrator, Manny Diaz, stated the following:

- This is an existing business and we already have a ABC license here
- This is not a new business
- It will allow the business to grow
- Have been to the restaurant and had lunch there
- Previously the plan was to ask for a Plan Approval
- Proximity to Astor Hotel and received support from them; will submit letter
- The hours are existing
- There will be no sale of alcohol for off-site consumption
- There will be no entertainment outside
- Ask adjacent business and they operate a good business

In response to comments raised during the public hearing and questions raised by the Zoning Administrator, Brandon Bustillos, the project applicant, stated the following:

- Opened for a few yours and had no issues
- Changes is more for what the patrons like
- Public didn't eat the food as much
- Live music is what people are passionate about and what the patrons want
- A recovery myself
- There is a license security guard during the entire time it is opened; only one at the door
- No noise complaints
- This is not a type of place where there is a line around the block
- Can do queuing in the art gallery

The Zoning Administrator closed the public hearing and stated that the case will be held on advisement for a period of four weeks pending the receipt of the following information:

- LAPD's letter
- Neighborhood Council letter
- Council Office letter
- Allow time for the applicant team to review the public comment letters

After the public hearing and in response to the concerns, the applicant stated that they will maintain a food program via their existing kitchen and a new food truck purchased and controlled by the applicants. The initial request for dancing has been rescinded and is no longer part of the request. Therefore, the Zoning Administrator is dismissed the request for dancing.

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

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

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

- No “Happy Hour” type of reduced-price alcoholic beverage or “2 for 1” promotion shall be allowed at any time. Discounted food promotions are encouraged.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- The off-site sale of alcoholic beverages as a secondary use (i.e., “take out”) is not permitted.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- Petitioner(s) shall not require patrons to purchase a minimum number of drinks.
- There shall be no service, sales of alcoholic beverages on any sidewalk. The applicant shall ensure no alcoholic beverages, which are purchased within the applicant’s establishment, are consumed on any property adjacent to the licensed premise that is under the control of the applicant.
- No employee, while working, shall solicit or accept any alcoholic, on-alcoholic beverage, monetary compensation, or any other thing of value from any customer for the purpose of sitting with or otherwise spending time with customers while on the premises. The licensee shall not provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
- 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.
- Operator and its personnel shall, at all times, maintain a policy of not serving obviously intoxicated patrons and taking preventative measures to help avert intoxication-related problems, as follows:
 - Free non-alcoholic beverages shall be offered ongoing for designated drivers.
 - Bottled water shall be made available to departing patrons.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for on-site consumption and dancing to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

CONDITIONAL USE FINDINGS

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

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject site is a level, corner lot consisting of approximately 5,507 square feet with a frontage of 55 feet on the north side of 4th Street and a frontage of 100 feet on the east side of Town Avenue. The site is developed with a two-story building with an existing restaurant (High Tide) and an art gallery (Little Space Gallery) on the ground floor. The site is not located within a landslide, liquefaction, Alquist-Priolo Fault Zone, or Tsunami Inundation Zone. It is, however, located within a Methane Hazard Site.

In 2018, the Zoning Administrator approved a Conditional Use Permit under Case No. ZA-2017-5070-CUB to allow the sale and dispensing of beer and wine for on-site consumption at a restaurant in conjunction with a 1,762 square foot restaurant with outdoor dining. The applicant is requesting a Conditional Use to permit the sale of a full line of alcoholic beverages for on-site consumption for a proposed 3,798 square-foot bar, inclusive of a 1,764 square-foot indoor area with 60 seats and a 2,034 square foot patio area with 130 seats. The proposed hours of operation are from 10:00 a.m. to 2:00 a.m., daily. In response to the concerns raised during the public hearing, the initial request for dancing has been rescinded by the applicant and is no longer part of the request. Therefore, the request for dancing has been dismissed by the Zoning Administrator. The applicant also stated that they will maintain a food program via their existing kitchen and a new food truck purchased and controlled by the applicants.

The High Tide will provide a variety of entertainment experiences for visitors and residents of Downtown Los Angeles to enjoy. The venue will draw local community members to the space and provide a creative outlet for residents and visitors. A variety of commercial uses is an intrinsic part of the service amenities that are necessary for the conservation, development, and success of a vibrant neighborhood. The ability for the subject site to offer a full line of alcoholic beverages for on-site consumption, with live entertainment, will allow the venue to remain competitive with other establishments serving the same area. The ability for the subject site to offer a full line of alcoholic beverages for on-site consumption, with live entertainment, will enhance the entertainment experience at the venue and help activate the area's nightlife as envisioned by the Central City Community Plan. Live entertainment with conditions imposed on the operation will allow the bar to provide food and entertainment that

be offered to residents and visitors of the community. Security will be present on the premises to encourage quiet departures from the establishment as well as address any immediate instances of disruptions. In addition, the grant has been well conditioned to ensure that that use will not adversely impact neighboring residents with conditions that address nuisances, noise, and safety and security, and conditions that promote responsible management. The project will enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial to the community, city and region

2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

The subject site is a level, corner lot consisting of approximately 5,507 square feet with a frontage of 55 feet on the north side of 4th Street and a frontage of 100 feet on the east side of Town Avenue. The site is developed with a two-story building with an existing restaurant (High Tide) and an art gallery (Little Space Gallery) on the ground floor. The site is not located within a landslide, liquefaction, Alquist-Priolo Fault Zone, or Tsunami Inundation Zone. It is, however, located within a Methane Hazard Site.

The surrounding area is generally zoned M2-2D-O and is developed with wholesale warehouses, offices, hotel, residential uses and surface parking lots. The northern adjoining property is zoned M2-2D-O and is developed with a two-story building used for auto repair. The eastern adjoining property is zoned M2-2D-O and is developed with a vacant industrial building. The southern adjoining property (across 4th Street) is zoned M2-2D-O and is developed with an event venue. The western adjoining property (across Towne Avenue) is zoned M2-2D-O and is developed with surface parking and a vacant industrial building.

The applicant is requesting a Conditional Use to permit the sale of a full line of alcoholic beverages for on-site consumption for a proposed 3,798 square-foot bar, inclusive of a 1,764 square-foot indoor area with 60 seats and a 2,034 square foot patio area with 130 seats. The proposed hours of operation are from 10:00 a.m. to 2:00 a.m., daily.

Public testimony from the public hearing and correspondence received have indicated concerns of the hours proposed, noise, crime, number of alcohol establishments, location in Skid Row and several other issues, as described in the Public Correspondence and Public Hearing Section of this determination letter. In response to the concerns raised during the public hearing, the initial request for dancing has been rescinded by the applicant and is no longer part of the request. The applicant also stated that they will maintain a food program via their existing kitchen and a new food truck purchased and controlled by the applicants. The Zoning Administrator has determined that granting the sale of a full line of alcoholic beverages for on-site consumption with live entertainment and with the conditions incorporated would address the concerns raised. All activities related with entertainment will be located within an enclosed building which would minimize the noise impact to the surrounding neighborhood and is conditioned to be in compliance with the City's Noise Ordinance.

With imposition of the conditions of this grant specific to this operation, the subject operation will be able to operate in a responsible manner, and not be detrimental to surrounding uses. The applicant will be in control of all the activities on the premises. The operation will be required to provide security and submit a security plan that will be reviewed and approved by

the Los Angeles Police Department. In addition, the operation will be required to post a complaint number and maintain a log to document the complaints received from the operation. The log will be used to determine compliance with the conditions of this grant. Conditions also address noise and other nuisances, such as loitering, littering, graffiti.

Furthermore, the Zoning Administrator has imposed numerous conditions to prevent adverse impacts and integrate the use into the neighborhood. Conditions address the mode and character, responsible management, addressing of nuisance, and surveillance and training. In addition, the Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to. Therefore, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety 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 City's General Plan divides the City into 35 Community Plan areas. The Central City Community Plan designates the property for Light Industrial land uses with a corresponding zones of MR2 and M2 and Height District No. 2D. The property is not located in an area subject to a Specific Plan. Approval of the conditional use permit at a proposed is consistent with the following industrial objectives of the Central City Community Plan:

Objective 3-1: To strengthen, retain, and expand the existing industrial base as well as attract new industries to the Central City Area.

The Community Plan text does not specifically address the requested conditional use for the sale of alcoholic beverages. The granting of the request will allow a bar with live entertainment. The venue will also continue to provide service and is envisioned to be a neighborhood serving use that will enhance the vitality of the surrounding commercial area. The Los Angeles Municipal Code authorizes the Zoning Administrator to grant the requested Conditional Uses in the zones corresponding to the Plan land use designation. The proposed venue is a permitted use by the Plan land use category and zone. The conditional use authorization for the sale of alcoholic beverages and live entertainment 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 project substantially conforms with the purpose, intent, and provisions of the General Plan and the Central City Community Plan.

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

The approval of the Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages on the subject site will not adversely affect the welfare of the community. The subject property is zoned M2-2D-O, which allows for commercial uses, and the subject tenant space will be revitalized as a bar and entertainment venue. The subject site along 4th Street in Downtown Los Angeles enhances the character of the area and will be able to continue to provide live entertainment and experience for the community and visitors to the area. The venue will positively impact the financial health of the property and improve the economic vitality of the area and local employment.

Negative impacts commonly associated with the sale of alcoholic beverages and live entertainment, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. As noted in more detail under Finding No. 2 above, conditions have been incorporated into this grant to require security measures such as the provision of security, installation of surveillance cameras and other conditions that address noise, safety and security. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program or the Department of Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) Program. The project also received a letter of non-opposition from LAPD, Central Area Vice, dated February 19, 2022, with recommended conditions for the Zoning Administrator to consider. In addition, the Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to.

Furthermore, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been included to ensure the operation provides adequate security measures, includes a surveillance system, adherence to the City's Noise Ordinance, and responsible management practices. Both the Conditions of Approval and the requirements of the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, as conditioned herein, the sale and dispensing of a full line of alcoholic beverages and live entertainment, in conjunction with a proposed bar 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, three (3) on-site and one (1) off-site consumption licenses are allocated to the subject census tract (Census Tract 2062.02). Currently there are seventy-three (73) on-sale licenses and four (4) off-sale licenses in this census tract.

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 138, which has jurisdiction over the subject property, a total of 335 crimes were reported in 2021. In 2021, there were 264 Part I and 71 Part II crimes, compared to the Citywide average of 149 crimes and the High Crime Reporting District average of 179 crimes for the same reporting period. Alcohol-related Part II crimes reported include Narcotics (10), Liquor Laws (6), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), DUI related (2), Moving Traffic Violations (2), and Miscellaneous Other Violations (19). 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.

Over concentration can be undue when the addition of a license will negatively impact a neighborhood. Over concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The number of existing on-site licenses within the census tract where the subject site is located exceeds ABC's guidelines and the crime rate within the reporting district where the subject site is located is substantially above the citywide average. While the number of on-site ABC licenses within the census tract where the site is located exceeds ABC guidelines, the census tract encompasses Little Tokyo to the north which contains higher density commercial and residential uses, including hotels, apartments and condominiums as well as retail, restaurants, breweries and taverns, which account for the higher number of active ABC licenses.

The bar will offer a unique experience for patrons and will offer food service via their existing kitchen, a new food truck purchased by the owner, and live entertainment. The applicant has rescinded the request for dancing and is no longer part of the request. Live entertainment has been restricted to the interior of the premises only. In this case, the proposed project will provide a convenience to workers, visitors, and residents in the immediate neighborhood and as conditioned, will not negatively impact the area. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are alleviated by the imposition of conditions that will safeguard the welfare of the community.

The project received a letter of non-opposition from LAPD, Central Area, dated February 19, 2022, with recommended conditions for the Zoning Administrator to consider. The incorporation of conditions relative to the specific operation of the establishment will address and minimize any possible adverse impact on the welfare of the surrounding area, including restrictions on 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. As such, approval of the request will not result in an undue concentration of licensed premises.

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

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

Sensitive Uses Within 1,000 feet

Residential uses

Lumbini Child Development Center, 505 E 3rd Street
 Higashi Buddhist Temple, 505 E 3rd Street
 Centenary United Methodist Church, 300 S Central Avenue

Alcohol-Serving Establishments Within 1,000 feet

Martha's Kitchen, 507 E 4 th Street	Beer & Wine / Off-Site
Manna Korean BBQ, 333 S Alameda Street	Full Line / On-Site
Tsurumaru Udon, 333 S Alameda Street	Beer & Wine / On-Site
X Lane's, 333 S Alameda Street	Full Line / On-Site
The Pho Shop, 333 S Alameda Street	Beer & Wine / On-Site
Shojin, 333 S Alameda Street	Beer & Wine / On-Site
The Noyritz Bar + Grill, 333 S Alameda Street	Full Line / On-Site
Max Karaoke, 333 S Alameda Street	Beer & Wine / On-Site
Hana Ichimonme, 333 S Alameda Street	Beer & Wine / On-Site
Sushi General, 422 E 2 nd Street	Beer & Wine / On-Site
Kenny Chao, 441 S Central Avenue	Beer & Wine / On-Site
Kagaya Restaurant, 418 E 2 nd Street	Beer & Wine / On-Site
The Escondite, 410 Boyd Street	Full Line / On-Site
Men Oh 456, E 2 nd Street	Beer & Wine / On-Site
Wolf + Crane, 366 E 2 nd Street	Beer & Wine / On-Site
Gyutaro 424, E 2 nd Street	Beer & Wine / On-Site
Tenno Sushi, 207-209 S Central Avenue	Beer & Wine / On-Site
Ollie's, 414 S Boyd Street	Full Line / On-Site
Allegro, 432 E 2 nd Street	Beer & Wine / On-Site
BBQ Chicken, DTLA 442 E 2 nd Street	Beer & Wine / On-Site
Hakata Ikkousha, 368 E 2 nd Street	Beer & Wine / On-Site
The Mermaid, 428 E 2 nd Street	Full Line / On-Site
Izakaya Bizan, 333 S Alameda Street	Beer & Wine / On-Site
Sushi Go, 55 333 S Alameda Street	Beer & Wine / On-Site
Mutual Wholesale Cash + Carry, 830 E 5 th Street	Beer & Wine / Off-Site
Eighty Two / 82, 707 E 4 th Place	Full Line / On-Site
In Sheeps Clothing, 312 S Alameda Street	Full Line / On-Site

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses and alcohol-serving establishments. 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 a neighborhood and will continue to serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

FLOOD HAZARD FINDING

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, an area of a one percent change food with average depth of less than one foot or with drainage areas of less than one square mile.

Inquiries regarding this matter shall be directed to Jessica C. Jimenez, Planning Staff for the Department of City Planning at (213) 978-1344.



CHRISTINA TOY LEE
Associate Zoning Administrator

CTL:JP:JCJ:bk

cc: Councilmember Kevin De Leon
Fourteenth Council District
Adjoining Property Owners
Interested Parties