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May 13, 2022

Hyung-Il Cho (A)  
326 South Western Avenue  
Los Angeles, CA 90020

Yon Park (O)  
326 South Western Avenue, #A  
Los Angeles, CA 90020

Bill Robinson (R)  
117 ½ North Manhattan Place  
Los Angeles, CA 90004

CASE NO. ZA-2022-0424-CUB  
CONDITIONAL USE  
326 South Western Avenue (318-326  
South Western Avenue)  
Wilshire Community Plan  
Zone : C2-1  
D. M. : 135B193  
C. D. : 10 – Office of District 10  
CEQA : ENV-2022-0425-CE  
Legal Description: Lots 16 & 17, Tract  
1624

Pursuant to California Environmental Quality Act, I hereby **DETERMINE**:

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

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

a Conditional Use to allow the on-site sale and dispensing of beer and wine in conjunction with an existing karaoke establishment,

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24-W,27, I hereby **APPROVE**:

a Conditional Use to permit the hours of operation from 11:00 a.m. to 2:00 a.m., in lieu of the Commercial Corner limitation hours of operation from 7:00 a.m. to 11:00 p.m. in the C2-1 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. 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 prior to the final clearance of this condition.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 2,296 square-foot karaoke establishment. The grant shall be subject to the following limitations:
  - a. Hours of operation shall be limited to 11:00 a.m. to 2:00 a.m., daily.
  - b. Indoor seating shall be limited to a maximum of 41 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.

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 Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been granted herein.
10. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
11. 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.
12. **Private Events.** Any use of the karaoke establishment 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.
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. 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. **Complaint Log.** Prior to the beginning of operations, 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

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

16. An electronic age verification device shall be purchased and retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.

17. **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.
18. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
19. There shall be no live entertainment on the premises. There shall be no disc jockey, topless entertainment, male or female performers or fashion shows.
20. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
21. There shall be no speakers or amplification outside of the karaoke establishment premises.
22. 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.

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. 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.
25. 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.
26. 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.
27. Individual karaoke rooms may be constructed within the restaurant provided the Applicant/owner or their designee obtains a building permit from the Department of Building and Safety. The plans shall incorporate the following conditions:
  - a. Individual rooms, wall assembly, glass panes, construction materials and structural support shall be approved by the Department of Building and Safety.
  - b. Walls shall be permanently fixed and structurally supported. Movable partitions are not allowed.
  - c. Wall assemblies shall contain a minimum of 48 inches high by 30 inches wide glass panels on one side of each karaoke room (minimum) and within each doors panel.
  - d. Glass panes shall be tempered and identified by the manufacturer's designation that is required for safety glazing. Each pane shall bear the manufacturer's mark designating the type and thickness of the glass or glazing material. The identification shall not be omitted and shall comply with LAMC 2406.3 for safety glazing.
  - e. No locking hardware of any kind shall be installed on any door to a karaoke room. Doors shall remain unlocked and unobstructed at all times. Door locks, locking chains, deadbolts, door stops or similar devices are prohibited.
  - f. All glass panes into karaoke rooms, including glass panes in doors, shall remain unobstructed at all times.

- g. The lighting in karaoke rooms shall not be equipped with dimmers. Each karaoke room shall be lit by at least one light source measuring the equivalent of 60 watts or more for every 100 square feet of floor area.
28. **Cafe and Entertainment Permit.** A Cafe and Entertainment Permit shall be obtained from the Los Angeles Police Commission. A copy shall be submitted to the Department of City Planning for inclusion in the case file.

### **ADMINISTRATIVE CONDITIONS**

29. **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.
30. **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/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.
31. 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 floor plan, seating arrangement or number of seats of the new operation.

32. 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.

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

Applicant shall do all of the following:

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

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. 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 **MAY 31, 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**  
Figueroa Plaza  
201 North Figueroa 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)

The subject property is zoned C2-1 and is located within the Wilshire Community Plan Area. The Community Plan Area Map designates the subject property for Neighborhood Office Commercial land uses corresponding to the C1, C1.5, P, C2, C4, CR, RAS3, and RAS 4 zones. The subject property's zoning is thus consistent with the General Plan's land use designation for the site. The subject property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance. The subject property is located within the Los Angeles State Enterprise Zone, an Urban Agriculture Incentive Zone, and is located within approximately 1.44 kilometers of the nearest fault zone (Puente Hills Blind Thrust).

The applicant is seeking a Conditional Use to allow the sale of beer and wine for on-site consumption in conjunction with a proposed 2,296 square foot karaoke establishment (Akko NRB). The total occupancy load for the tenant space is 50; however, a total of 41 seats (all indoor) will be provided. According to the applicant, the establishment will offer a fusion menu of Asian and Western fare to patrons.

The applicant is also requesting a Conditional Use to permit deviations from the Mini-Shopping Center/Commercial Corner Development operating hours limitation of 7:00 a.m. to 11:00 p.m., daily, to permit hours of operation from 11:00 a.m. to 2:00 a.m., daily, for the proposed karaoke establishment.

### **Surrounding Properties**

Surrounding properties are characterized by level topography and improved streets with a variety of commercial uses along Western Avenue and residential uses to the east. Properties to the north, are zoned C2-1 and are developed with church uses. Properties to the east, are zoned R3-1 and developed with multi-family uses. Properties to the south, are zoned C2-1 and developed with two-story commercial uses. Properties to the west are zoned C2-1 and developed with two-story commercial uses.

### **STREETS**

Western Avenue, adjoining the subject property to the west, is a designated Avenue II, dedicated to a right-of-way width of 86 feet and improved with asphalt roadway, concrete curb, and sidewalk.

### **Previous Cases, Affidavits, Permits, and Orders on the Subject Property (since 2000):**

Case No. ZA-2013-3158-CUB – On April 4, 2014, the Zoning Administrator denied a Conditional Use to allow the sale and dispensing of beer for on-site consumption in conjunction with a karaoke establishment in the C2-1 Zone, and denied a Conditional Use to permit deviations from the Mini-Shopping Center/Commercial Corner Development maximum hours of operation from 7:00 a.m. to 11:00 p.m., in the C2-1 Zone.

**Previous Cases, Affidavits, Permits, and Orders on the Surrounding Properties:**

Staff utilized a 1000-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. The following relevant cases were filed within the last 5 years and identified as being within 1000 feet of the project site:

Case No. ZA-2021-5742-CUB – On November 3, 2021, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new 3,762 square-foot restaurant and karaoke studio with 12 rooms and 113 indoor seats in the C-2 Zone with hours of operation 6:00 p.m. to 2:00 a.m., daily, and alcohol sales from 6:00 p.m. to 2:00 a.m., daily, in an existing Mini-Shopping Center/Commercial Development, located at 300-314 South Hobart Boulevard.

Case No. ZA-2020-0197-CUB – On August 19, 2020, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with an existing restaurant in the C2-1 Zone, and approved a Conditional Use to allow the hours of operation from 12:00 p.m., to 12:00 a.m., seven days a week, located at 356 South Western Avenue, #203-204.

Case No. ZA-2019-0732-CUB – On September 5, 2019, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant in the C2-1 Zone, located at 301 South Western Avenue, #209.

Case No. ZA-2019-6575-CUB – On June 11, 2020, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant/karaoke lounge, located at 425 South Western Avenue, Unit F.

Case No. ZA-2019-5195-CUB – On June 12, 2020, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant in the C2 Zone, located at 357 South Western Avenue, #101.

Case No. ZA-2018-6788-CUB – On April 23, 2019, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine only for on-site consumption, in conjunction with a proposed restaurant in the C2-1 Zone, located at 228 South Oxford Avenue.

Case No. ZA-2018-4652-CUB – On May 6, 2019, the Zoning Administrator approved a Conditional Use to allow the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant in the C2-1 Zone, located at 300 South Hobart Boulevard.

Case No. ZA-2018-2417-CUB – On May 9, 2019, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a restaurant in the C2-1 Zone, located at 338 South Western Avenue.

Case No. ZA-2017-0671-CUB – On February 12, 2018, the Zoning Administrator approved a Conditional Use to allow live entertainment for eleven karaoke studios in conjunction with an existing restaurant, located at 345 South Western Avenue.

Case No. ZA-2017-0604-CUB – On October 23, 2017, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine only for on-site consumption, in conjunction with an existing restaurant in the C2-1 Zone, located at 414 South Western Avenue, Unit C.

Case No. ZA-2017-0393-CUB – On December 4, 2017, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption, and approved a Conditional Use to allow hours of operation from 11:00 pm., as otherwise restricted by Commercial Corner Development Standards, located at 4253 West 3<sup>rd</sup> Street.

Case No. ZA-2017-1490-CUB – On November 22, 2017, the Zoning Administrator approved a Conditional Use to allow the sale of and dispensing of beer and wine for on-site consumption, in conjunction with an existing restaurant, and approved a Conditional Use to permit deviations from Mini Shopping Center/Commercial Corner Development provisions to allow the hours of operation from 10:30 a.m. to 2:00 a.m., daily, in lieu of 7:00 a.m. to 11:00 p.m., located at 301 South Western Avenue, #107.

### **Public Correspondence**

No public correspondence was received.

### **Public Hearing**

A public hearing was held before the Zoning Administrator on May 4, 2022 at 10:00 a.m. Due to COVID-19 and continued concerns that meeting in person would present imminent risks to the health and safety of the attendees, the hearing was conducted entirely telephonically.

Bill Robinson, the project representative, presented the project and stated the following:

- Application has been modified for beer and wine and not full line of alcohol
- Will have a kitchen, but no stove
- Mr. Cho, current owner, operates a karaoke establishment at 3607 West 6<sup>th</sup> Street; never had citation; 20+ years
- Mr. Cho shows exemplary conduct; responsible operator
- Karaoke is operating with no alcohol
- Was on the agenda for the Neighborhood Council Koreatown in April, however no quorum; no quorum since February
- LAPD visited the site twice; no problems; ran record of Mr. Cho

- Individual rooms have glass panels
- Will have LAPD recommendations of CCTV cameras and three months recording
- Operating now as a karaoke with no alcohol

No members of the public spoke during the public hearing.

**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 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.
- 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.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- 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/check-out clerk specifically assigned solely to that station.

## **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the on-sale and dispensing of a full line of alcoholic beverages on-site consumption to be authorized and for the deviation for hours from commercial corner regulations 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 establishment, Akko NRB, is a proposed 2,296 square-foot karaoke establishment located in a mini-shopping center. The subject tenant space as previously operated as a karaoke establishment under different ownership. The project will not expand square footage or change the mode and character of the site except for adding the sale and dispensing of beer and wine for on-site consumption. The karaoke establishment will remain a total of 2,296 square feet with indoor seating to accommodate 41 patrons and will have hours of operation from 11:00 a.m. to 2:00 a.m., daily. The karaoke establishment is not proposing any live entertainment.

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 alcoholic beverages ancillary with entertainment and food service is consistent with the pattern of many karaoke establishments in Los Angeles. The grant allows the ancillary sale of a full line of alcoholic beverages, and will help augment the desirability of the proposed karaoke establishment, allow it to be competitive with other karaoke establishments, and thereby supporting the vibrancy and longevity of the commercial corridor along Western Avenue and the surrounding neighborhood. The karaoke establishment will continue to provide neighboring residents and the local workforce with a viable and convenient karaoke option that will bolster pedestrian activity in the neighborhood. In addition, the grant to allow the ancillary alcohol service has been well conditioned to ensure that that use will not adversely impact neighboring residents. As such, the project will enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial to the community, city and region.

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

The subject property is a level, rectangular-shaped, interior, parcel of land, consisting of two contiguous lots located on the east side of Western Avenue, between 3rd and 4th Streets. The subject site contains approximately 18,020 square feet and has 120 feet of frontage on Western Avenue and a depth of approximately 150 feet. The property is improved with a one-story, 8,350 square-foot mini shopping center that is occupied by three tenants (the proposed karaoke establishment, a hair salon, and a skin care shop). The northerly portion of the site is improved with a surface parking lot that provides parking for 26 cars.

Surrounding properties are characterized by level topography and improved streets with a variety of commercial uses along Western Avenue and residential uses to the east. Properties to the north, are zoned C2-1 and are developed with church uses. Properties to the east, are zoned R3-1 and developed with multi-family uses. Properties to the south, are zoned C2-1 and developed with two-story commercial uses. Properties to the west are zoned C2-1 and developed with two-story commercial uses.

The subject establishment, Akko NRB, is a proposed 2,296 square-foot karaoke establishment located in a mini-shopping center. The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the proposed karaoke establishment, containing 41 interior seats. The karaoke establishment's hours of operation will be from 11:00 a.m. to 2:00 a.m., daily. The project will not change the height, size, or location of the existing commercial building in which the karaoke establishment occupy.

The subject establishment will be maintained as a bona fide karaoke establishment during operating hours. The sale of alcohol will be ancillary to the karaoke service, an amenity common in karaoke establishments throughout Los Angeles. The karaoke establishment will not feature live entertainment. The karaoke establishment's site design and location on a commercial block will reduce the likelihood of harmful impacts on the neighboring properties, including particularly on the residences to the north and west.

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 of the karaoke establishment, 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. Policy 7.3.2 of the Framework Element 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 Plans. The subject property is zoned C2-1 and is located within the Wilshire Community Plan Area. The Community Plan Area Map designates the subject property for Neighborhood Office Commercial land uses corresponding to the C1, C1.5, P, C2, C4, CR, RAS3, and RAS 4. The subject property's zoning is thus consistent with the General Plan's land use designation for the site. The subject property is not located within the boundaries of or subject to any specific plan, community design overlay, or interim control ordinance.

The Community Plan text is silent with regards to alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. Approval of the conditional use permit request is consistent with vision of the Community Plan which states the following:

**GOAL 2: ENCOURAGE STRONG AND COMPETITIVE COMMERCIAL SECTORS WHICH PROMOTE ECONOMIC VITALITY AND SERVE THE NEEDS OF THE WILSHIRE COMMUNITY THROUGH WELL-DESIGNED, SAFE AND ACCESSIBLE AREAS, WHILE PRESERVING HISTORIC AND CULTURAL CHARACTER.**

**Objective 2-1:** *Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services.*

**Policy 2-1.2:** *Protect existing and planned commercially zoned areas, especially in Regional Commercial Centers, from encroachment by stand-alone residential development by adhering to the community plan land use designations.*

***Policy 2-1.3:*** Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

***Objective 2-2:*** Promote distinctive commercial districts and pedestrian oriented areas.

***Policy 2-2.3:*** Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first-floor street frontage of structures, including mixed use projects located in Neighborhood Districts

In addition to the goal, objectives, and their policies described above, the project fulfills the intent of the Wilshire Community Plan provisions regarding land use compatibility, by preserving and strengthening existing commercial uses within an established commercial district while maintaining desirable characteristics of surrounding residential neighborhoods. The project will support a proposed establishment, thereby strengthening the vibrancy and longevity of the commercial corridor along Western Avenue and the surrounding neighborhood. The karaoke establishment will provide neighboring residents and the local workforce with a convenient karaoke option that will bolster pedestrian activity in the neighborhood, thus increasing public safety.

Moreover, the project does not propose any physical expansion to the existing commercial building the karaoke establishment will occupy. The project's design, both in terms of physical layout and operations, is intended for the sale and dispensing of alcoholic beverages for on-site consumption to cater to the neighborhood-serving characteristics of this commercial corridor. The neighborhood serving karaoke establishment project with conditions of approval will be compatible with surrounding uses. As such, the project substantially conforms with the purpose, intent and provisions of the General Plan, and the applicable community plan.

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

The proposed karaoke establishment is a use allowed by-right in the C2 Zone. The grant allows the sale and dispensing of alcoholic beverages for on-site, and will be ancillary to the karaoke service. Additionally, the project will not physically alter the subject building's location, size, or height. The karaoke establishment will not feature any form of live entertainment. Operational conditions imposed on the project will help to ensure that the ancillary alcohol service in conjunction with the karaoke establishment use will not adversely affect the neighborhood, including surrounding residences and businesses.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program or the Department of Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) Program. 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, and adequate lighting, 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 for on-site consumption in conjunction with the karaoke establishment 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 State Department of Alcoholic Beverage Control (ABC) licensing criteria, there are three (3) active on-site and one (1) active off-site licenses allocated to the subject Census Tract Number 2118.04, based on a population of 3,247. Currently there are 11 active on-site licenses and two (2) active off-site licenses in this Census Tract. The subject request entails a conditional use to authorize the sale and dispensing of a full line of alcoholic beverages for on-site in conjunction with a proposed karaoke establishment and would result in an additional license.

Within 1,000 feet of the subject site, there are currently 25 establishments that have an ABC license:

Alcohol Establishment	License Type	Address
Feng Mao	On-site – Beer & Wine	414 South Western Avenue, #E
Ombu Grill	On-site – Beer & Wine	400 South Western Avenue, #104
Boba Bear	On-site – Beer & Wine	414 South Western Avenue, #C
Itaewon	On-site – Beer & Wine	414 South Western Avenue, #D
Mr Bossam	On-site – Beer & Wine	338 South Western Avenue, #A, B
Songhak	On-site – Beer & Wine	356 South Western Avenue, #201
Fei Xiang Gong	On-site – Beer & Wine	356 South Western Avenue, #203-204
UDJ International Trading	On-site – Beer & Wine	414 South Western Avenue, #B
Rich Crab	On-site – Beer & Wine	4253 West 3 <sup>rd</sup> Street
No 1 Chueotang	On-site – Beer & Wine	4251 West 3 <sup>rd</sup> Street
Oro Liquor & Market	Off-site – Full Line	4376 West 3 <sup>rd</sup> Street
Han, Sang Kuk	On-site – Beer & Wine	357 South Western Avenue, #101
Hae Ha Heng Thai	On-site – Beer & Wine	301 South Western Avenue, #209
Western Karaoke	On-site – Full Line	345 South Western Avenue
Gam Bo Jak	On-site – Beer & Wine	301 South Western Avenue, #201
Chicken Day	On-site – Beer & Wine	301 South Western Avenue, #107
K-Food Express, Inc	On-site – Beer & Wine	301 South Western Avenue, #101-102
California Market	Off-site – Full Line	450 South Western Avenue
Yerim	On-site – Beer & Wine	300 South Hobart Boulevard, #100
Jubilee Liquor	On-site – Beer & Wine	4212 West 3 <sup>rd</sup> Street
Hyunhoon Tendon	On-site – Full Line	450 South Western Avenue, #315
Ye Stage and Tea Inc	On-site – Beer & Wine	228 South Oxford Avenue
Da Som Inc	On-site – Beer & Wine	228 South Oxford Avenue
7-Star Liquor & Market	Off-site – Full Line	4217 West 3 <sup>rd</sup> Street
Concert Karaoke & Lounge	On-site – Full Line	425 South Western Avenue, #F

According to statistics provided by the Los Angeles Police Department's Olympic Division, within Crime Reporting District No. 2023, which has jurisdiction over the subject property, a total of 180 crimes were reported in 2021 (159 Part I and 21 Part II crimes), compared to the Citywide Average of 149 crimes and the High Crime Reporting District Average of 179 crimes. Part II Crimes reported include (1) Narcotics, (0) Liquor Laws, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, and (1) DUI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years. The above statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the citywide average. However, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The number of active on-site and off-site ABC licenses within the census tract where the subject site is located exceeds the ABC guidelines. 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 a significant employee population, in addition to the resident population base in the area. 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 subject site is designated for Neighborhood Office Commercial and has frontage along Western Avenue, a commercial thoroughfare. The subject site contains a mini-shopping center occupied by four tenants, a smoke shop, a hair salon, a men's clothing store, and the subject karaoke establishment. The site is supported by an employee population associated with the nearby industrial area, in addition to the resident population base in the area, accounting for a demand for ABC licenses beyond the allocated number. The project will support a proposed karaoke establishment, which in turn will continue to support the vibrancy and longevity of the commercial corridor along Western Avenue as well as the surrounding neighborhood. The karaoke establishment will provide neighboring residents and the local workforce with a convenient karaoke option that will bolster pedestrian activity in the neighborhood, thus increasing public safety. The ancillary sale of alcoholic beverages will augment the desirability of the karaoke establishment which will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy.

Furthermore, the sale of alcoholic beverages will be closely regulated to prevent sales to minors. The conditions of the grant address noise, security, loitering and maintenance to deter any nuisance activity on or adjacent to the site. The conditions of the grant require STAR/LEAD/RBS training for employees, adequate site maintenance, installation of surveillance cameras, and the maintenance of age verification devices. These conditions will deter or prevent nuisance or criminal activity such as loitering or public drinking and will improve public safety. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate and will not result in an undue concentration of establishments providing alcoholic beverages.

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

The project site is zoned for commercial uses and will continue to be utilized as such with the existing karaoke establishment use. The following sensitive uses are located within a 1,000-foot radius of the site:

<b>Residential</b>	
Multi-Family Residences	
<b>Schools/Day Care</b>	
St. Brendan School	238 South Manhattan Place
Charles Kim Elementary School	225 South Oxford Avenue
Wilshire Presbyterian Church	300 South Western Avenue
Korean Buddhist Culture Centre	4265 West 3 <sup>rd</sup> Street
Morning Star Nursery Pre-school	345 South St. Andrews Place
Kinder Schule Preschool	315 South Hobart Boulevard
LA First Montessori School	213 Hobart Boulevard
<b>Religious Institutions</b>	
International Church of the Holy Trinity	215 South Hobart Boulevard
<b>Hospitals</b>	
N/A	N/A
<b>Parks</b>	
N/A	N/A

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The karaoke establishment will not feature live entertainment. 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 continue to contribute to the neighborhood and will 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 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 outside the flood zone in Zone C.

Inquiries regarding the matter shall be directed to Jaime Espinoza, Planning Staff for the Department of City Planning at (213) 978-1357 or [jaime.espinoza@lacity.org](mailto:jaime.espinoza@lacity.org).



**CHRISTINA TOY LEE**  
Associate Zoning Administrator

CTL:RO:JE:bk

- cc: Office of District 10  
Tenth Council District  
Adjacent Property Owners  
Interested Parties

# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

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### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](http://planning.lacity.org/development-services/appeal-application-online))

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

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### OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

**Metro DSC**  
(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

**Van Nuys DSC**  
(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

**West Los Angeles DSC**  
(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment



