

EXHIBIT 1

OFFICE OF ZONING ADMINISTRATION
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December 17, 2021

Dennis L. Smith (A)
D'Camp Hospitality Group LLC
1613 Chelsea Road, Unit 141
San Marino, CA 91108

New World/New Age I, LLC (O)
333 South Figueroa Street
Los Angeles, CA 90071

Elizabeth Peterson (A)
Elizabeth Peterson Group
400 South Main Street, Unit 808
Los Angeles, CA 90013

CASE NO. ZA-2020-7365-CUB-CUX
CONDITIONAL USE

333 South Figueroa Street (331-351
South Figueroa Street)

Central City Community Plan Area

Zone : C4-4D

D. M. : 132A209

C. D. : 14

CEQA : ENV-2020-7366-CE

Legal Description: Lot 1, Tract 21788

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061, I hereby DETERMINE:

that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the CEQA pursuant to CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies; and

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 new nightclub and bar in the C4-4D Zone.

Pursuant to LAMC Section 12.24 W.18, I hereby APPROVE:

a Conditional Use to allow patron dancing and live entertainment in conjunction with a new nightclub and bar in the C4-4D 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, patron dancing and live entertainment in conjunction with a new 37,332 square-foot nightclub and bar. The grant shall be subject to the following limitations:
 - a. The 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 1,676 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - c. Patron dancing and live entertainment shall be limited to the following areas on Level 1 of the proposed nightclub and bar, as depicted in "Exhibit A":
 - Colosseum Dance Floor: 2,985 square feet;

- Dance Floor #1: 4,725 square feet; and
- Dance Floor #2: 3,285 square feet.

d. All activities shall be conducted wholly within a completely enclosed building.

8. Parking

- a. Automobile parking shall be provided consistent with the Bunker Hill Specific Plan Section 10 A.3.b.iii.
- b. Bicycle parking shall be provided consistent with LAMC Section 12.21 A.16.
- c. Parking shall be subject to the determination of the Department of Building and Safety and any prior actions taken on this subject property and all shall be to the satisfaction of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of LAMC Sections 12.21-A,4(g) and 12.26-E,1(b). No variance from the parking requirements has been granted herein.

9. In the event valet parking is used, the valet operator for the site shall be required to obtain a valid Los Angeles Police Department (LAPD) Commission Investigation Division (CID) Valet Operator Permit pursuant to LAMC Section 103.203(b) and each valet attendant shall have a valid CID permit along with a valid California Driver License in their possession while on duty.

10. Valet attendants and the nightclub employees shall not park on residential streets.

11. 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.

12. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.

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. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:

- a. Entry, visible to pedestrians
- b. At any and all ticketing booths

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. This shall be available for inspection by the Police Department or Alcoholic Beverage Control (ABC).

15. **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.
16. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
17. 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 at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur. The name of the duty manager shall be listed in a conspicuous place near the entrance of the business for customers and other enforcement agencies.
18. 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.
19. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.

20. 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.
21. 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.
22. 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 LAMC (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
23. No booth or group seating shall be installed that completely prohibits observation of the occupants.
24. 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.
25. There shall be a security staff member assigned to each stairway/entryway to the floor to monitor for overcrowding issues of this venue, in addition to security staff requirements.
26. 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.
27. 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.

28. 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 taxi cab or other driving service.
29. 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. Security shall monitor any crowd forming at the entrance of the venue. Security will disperse loitering crowds during hours of operation and after closure of business.
 - b. Prevent loitering at the entrance and parking area of the club.
 - c. Provide supervised security staff-assisted escorts especially at closing, from the location to the patron's car.
 - d. Security shall remain posted 30 minutes after end of business hours, and ensure loitering crowds are dispersed and not causing a noise disturbance.
30. Only the front door or entryway shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door, but shall be solid.
31. 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.
32. Any live music performances shall require the appropriate permit from the Police Commission as well as approval from the Central Area Vice Unit.
33. 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.
34. Business operator shall go through the process set by LAPD Commission Investigation Division for a "Dance Hall" permit.
35. The boundaries of the dance floors shall be confined to the area as indicated on the applicant's floor plans. Dancing shall not occur outside these boundaries.
36. The business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting.

37. 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 of the building.
38. Adequate lighting shall be installed in all areas within the business in conformance with the LAMC. The lighting shall be such that it renders all objects and persons clearly visible.
39. The business operator of each premise permitted by this action shall maintain on the premise, and present upon request to any law enforcement officer, a copy of the business permit, insurance information, and the CUP.
40. Any use of the property 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 the same provisions and hours of operation unless further restricted by LAPD.
41. The business 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.
42. If at any time the business operator has valet service, the valet company and its hired attendants must obtain a LAPD Valet Parking Permit which is granted by the LAPD Commissions Investigation Division. The valet parking company must apply for a Valet Parking Operator (VPO) permit, while its hired drivers must apply for a Valet Parking Attendant (VPA) permit through LAPD Commission Investigation Division.
43. The applicant shall maintain a pedestrian access if the sidewalk is temporarily closed during construction.
44. In the event that temporary walks are covered during construction (e.g. scaffolding), the applicant shall ensure that they are well-lit at all hours.

ADMINISTRATIVE CONDITIONS

45. **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.
46. 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.
47. 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.
48. **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.