

CITY OF LOS ANGELES
CALIFORNIA



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April 23, 2014

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CASE NO. ZA 2013-3692(CUB)
CONDITIONAL USE
335 West 7th Street
San Pedro Planning Area
Zone : CM-2-CDO
D. M. : 015B201
C. D. : 15
CEQA : ENV-2013-3693-CE
Legal Description: Lots 13, Tract 8901

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

a Conditional Use to permit the sale and dispensing of beer and wine only for on-site consumption in conjunction with a proposed coffee bar/lounge,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The use of this grant shall not be utilized until all building permits have been issued and any applicable new Certificate of Occupancy is issued for use of the subject tenant space for coffee bar/lounge or similarly-identified use.
8. Maximum square footage for the coffee bar/lounge shall not exceed 2,100 square feet.
9. Maximum seating for the coffee bar/lounge shall not exceed 41 indoor seats. No outdoor seating on any private property or public right-of-way has been requested or approved herein.
10. Hours of operation shall not exceed 9 a.m. to 2 a.m. daily. No after-hours use is permitted.
11. The premises shall not be exclusively used for private parties, including promotional events, in which the general public is excluded.
12. Live entertainment shall be limited to karaoke, a DJ, or a maximum of four-acoustic musicians, including a singer. A "muted" DJ (i.e., a DJ who does not talk to the patrons) is permitted who shall only play background amplified music.
13. Any live entertainment, including a DJ, shall be permitted only between the hours of 7 p.m. and 2 a.m., daily.
14. Any music shall not be audible beyond the perimeter of the coffee bar/lounge's footprint.
15. No pool or billiard tables or coin operated electronic, video, or mechanical amusement devices shall be maintained on the premises.
16. The applicant shall be responsible for maintaining the area adjacent to the premises over which he/she has control free of litter, including the sidewalk. Any trash bin utilized by the applicant shall be kept locked and clear of any overflow trash. Frequency of trash pick-up shall be assured so that trash is not left outside of any trash bin under the control of the applicant.

17. These conditions of approval shall be retained on the property at all times and shall be produced immediately upon the request of the Zoning Administrator, Police Department or Department of Building and Safety.
18. All licenses, permits, and conditions shall be posted in a conspicuous location at the facility. Additionally, a copy shall be provided to all employees who shall sign an acknowledgement form stating that they have read and understood all of the ABC and conditional use permit conditions. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators, or any other City agency upon request.
19. The applicant owner, and on-site manager(s) shall comply with applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control, including insuring that no activities associated with narcotics sales, use or possession, gambling, or prostitution occur.
20. **Within three months of the initiation of alcohol sales**, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers (STAR)". Upon completion of such training, the applicant shall request the Police Department issue a letter identifying which employees completed the training. **The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance.** All new employees shall complete such training within 60 days of hire and all staff shall undergo such training on an annual basis.
21. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
22. Loitering shall be prohibited on or around the premises under the control of the applicant.
23. The parking lot shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
24. Lighting shall be sufficient in front of the establishment to make easily discernible anyone at the entrance to the location.
25. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the applicant to file for a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with and effectiveness of the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Zoning Administrator may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation.

26. The authorization granted herein for the sale of alcohol is for a period of **four (4) years** from the effective date of this grant. Thereafter, a new authorization to continue the sale of alcohol will be required.
27. **Within 30 days of the effective date 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

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 8, 2014, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

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

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

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

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the 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 March 20, 2014, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The project site is a flat, rectangular, approximately 36,005 square-foot parcel with a 300-foot long frontage along 7th Street and a depth of 120 feet. The project site is developed with a one-story, 10,500 square-foot building (which includes the subject tenant space), a one-story, 8,750 square-foot building, a one-story, 1,730 square-foot building for a total of 20,980 square feet, and a 45-car surface parking lot. The three buildings were built in 1920 and 1921.

The subject tenant space is currently vacant. Other tenants include joint living and work quarters for artists, and designers, a personal training studio, salons, art galleries/shops, clothing stores and a graphic design store.

Adjoining properties to the north, across 7th Street, are zoned CM-2-CDO and C2-2-CDO and are developed with one- and three-story, commercial office, retail and mixed-use buildings.

Adjoining properties to the east are zoned CM-2-CDO and C2-2-CDO and are developed with one- and two-story, commercial office, retail, and mixed-use buildings.

Adjoining properties to the south are zoned OS-1XL, [Q]R3-1XL and C2-2-CDO and are developed with the Anderson Memorial Senior Citizen Center, one-story single-family dwellings, one- and two-story, multi-family dwellings, and commercial buildings.

Adjoining properties to the west, across 7th Street, are zoned CM-2-CDO, C2-1-CDO and C2-2-CDO and are developed with one- and two-story, commercial office and retail buildings, and four-story, multi-family dwellings.

7th Street, adjoining the property to the north, is a Secondary Highway with a variable width of between 70 and 78 feet and improved with asphalt roadway and concrete curb, gutter and sidewalk.

A public alley, adjoining the property to the south, has a width of 20 feet and is improved concrete roadway.

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

Subject Property

Building Permit No. 10016-40000-12159 – On July 8, 2011, the Department of Building and Safety issued a Building Permit to remodel storefront; replace finishes, some storefronts and transom windows, "unreasonable hardship to disabled access requirement".

Building Permit No. 04016-10000-02089 – On August 6, 2004, the Department of Building and Safety issued a Certificate of Occupancy for the change of use from retail to artist-in-residence at seven spaces. No change in parking requirement.

Case No. ZA 2002-1826(ZAD) – On July 22, 2002, the Zoning Administrator approved a Zoning Administrator's Determination for the continued maintenance of seven joint living and work quarters for artists, and designers in the CM-2 Zone.

Building Permit No. 1985SP01494 – On November 13, 1985, the Department of Building and Safety issued a Certificate of Occupancy for the change of use from office-retail, to medical clinic. Additional parking provided =6.

Building Permit No. 1921LA06098 – On March 24, 1921, the Department of Building and Safety issued a Building Permit for stores.

Case No. CPC 2007-4053(ZC)(CDO) – On February 14, 2008, the Los Angeles City Planning Commission approved the Downtown San Pedro Community Design Overlay District Design Guidelines and Standards.

On May 27, 2008, the City Council adopted the boundaries of the San Pedro Community Design Overlay District for certain areas on both sides of Pacific Avenue. (Ordinance No. 179,935; effective July 21, 2008)

Ordinance No. 129,944 – On April 29, 1965, the City Council adopted an ordinance amending the boundaries of Fire District No. 1.

Surrounding Properties (since 2000):

Case No. ZA 2007-0369(CUB)(PA1) – On November 7, 2012, the Zoning Administrator approved a Zoning Administrator's Determination of Approval of Plans assessing compliance with previously imposed conditions, and the applicant's request for modification of conditions at 600 South Pacific Avenue, #103.

Case No. ZA 2010-1101(CUB)(CUX) – On March 8, 2011, the Zoning Administrator approved a Conditional Use Permit to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant and banquet facility, located at 470 West 7th Street.

Case No. ZA 2009-0446(CUB)(CU)(ZV) – On September 4, 2009, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the reauthorization of the continued use and maintenance for an existing restaurant, and the addition of a 500 square-foot banquet room, open daily from 11 a.m. to 12 midnight, located at 383 West 5th Street.

Case No. ZA 2007-0369(CUB) – On August 27, 2007, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on and off-site consumption in conjunction with a wine tasting store, located at 600 South Pacific Avenue, #103.

Case No. ZA 2007-1614(CUB) – On August 24, 2007, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine only for on-site consumption in conjunction with the proposed restaurant, located at 399 West 6th Street and 616 South Mesa Street.

Case No. ZA 2005-8834(CUB)(CUX)(ZV) – On June 1, 2006, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption with live entertainment and public dancing in conjunction with a 2,091 square-foot restaurant/bar located on property in the CM Zone, located at 302 West 7th Street.

Case No. ZA 2001-2094(CUB)(CUX)(PA) – On January 23, 2003, the Zoning Administrator approved an Approval of Plans to allow for the continued use and operation of an existing restaurant/banquet facility selling a full line of alcoholic beverages for on-site consumption, and patron dancing, located at 470 West 7th Street.

Case No. ZA 2001-3758(CUB)-1A – On September 17, 2002, the Harbor Area Planning Commission overturned the Zoning Administrator and thereby approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, live entertainment, amplified and acoustical

music, dancing and other cultural, educational and charitable events in conjunction with a proposed auditorium/restaurant/bar/nightclub, sidewalk patio and service area, located at 285 West 7th Street.

Case No. ZA 2001-2094(CUB)(CUX) – On September 7, 2001, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing for consideration of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant/banquet facility, located at 470 West 7th Street.

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.

- Alcohol sale hours shall be limited to 11 a.m. to 2 a.m. Monday through Friday and 9 a.m. to 2 a.m. Saturday and Sunday.
- No cocktail lounge shall be maintained on the premises separate from the dining area.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- No off-site sales of alcohol will be provided accessory to on-site sales ("Take Out").

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 beer and wine for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

FINDINGS

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

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

The subject request entails a conditional use to permit the sale of beer and wine in a proposed coffee bar/lounge. The tenant space is located within a building dating back to 1921 which has a variety of uses which include artist spaces, retail and offices. The applicant is also the property owner and testified at the hearing that she will be the operator. The property has been in the family for 30 years and the applicant noted that she is trying to provide a different and new use in the area. The type of alcohol license requested is for a public premises which prohibits minors and which is not required to have a kitchen on-site. However, the applicant does plan to have a kitchen and have food service available. She noted that the concept will be that of a wine bar and that food is an accompanying amenity to wine service. A coffee bar use is also proposed as part of the business plan. Originally, alcohol sales were requested during all hours of operation which are proposed as 9 a.m. to 2 a.m. daily. Limited evening entertainment has been requested. Seating is limited to 41 indoor seats. No outdoor seating is proposed. There is parking at the rear for 45 spaces which is shared amongst the tenants of the entire building.

Subsequent to the hearing, the applicant's representative indicated that the San Pedro Neighborhood Council had requested that during the week, alcohol sales not be initiated until 11 a.m. The applicant has also volunteered other alcohol-specific conditions, which can be imposed through the jurisdiction of the State of California Department of Alcoholic Beverage Control. These voluntary conditions are noted in this determination under the background information section and are referred to the State to impose as it deems appropriate

At the public hearing, testimony in support of the request was presented by various stakeholders. A representative of the San Pedro Waterfront Business Improvement District (BID) noted that the applicant had presented the project to the BID and to the Neighborhood Council and received their support. He noted that the BID provides public safety ambassadors who ride scooters and perform foot patrols in the area daily. He added within a specific one-mile radius using 2013 crime numbers, it was determined that the one-mile radius around the BID area had 85% less crimes than the two-mile radius. The president of the BID also noted support for the project and applicant, adding that he owns two properties on 7th Street.

A representative of the Office of the Fifteenth Council District testified in support of the request adding that the applicant had met with the Office. He stated that San Pedro's downtown is undergoing an economic revitalization and that there are fewer vacant storefronts. He added that the Office supported not just the wine bar but the proposal of a coffee bar as the emphasis would not be only on beer and wine sales.

One speaker testified in opposition to the request indicating that he had moved within the past month into one of the applicant's tenant spaces in the subject

building. He noted that his business is to provide educational programs for individuals who have committed misdemeanors or who have anger management issues. The program is sponsored by the County's probation and Health Department. He noted concerns for too many similar venues in the same block and that his clients would be harassed or blamed for any problems that might be created by the other uses. He indicated that he had a visit from neighborhood council members inquiring about the nature of his business. The speaker added that he would be moving soon even though he had a one-year lease. Subsequent to the hearing, the applicant submitted a copy of a letter from the speaker indicating that he would be vacating the tenant space in April, 2014 after requesting a release from his lease. One other letter was received in opposition to the request citing concerns with more alcohol sales.

At the hearing, the applicant's representative responded noting that the uses can co-exist. He indicated that the intent was to have craft beers and "boutique" wines and special coffees. He acknowledged that there have been dependency programs and social therapy institutions in the area due to a history related to alcohol issues and urged that the use not be excluded due to social institutions. The applicant also responded adding that she is concerned with the well-being of everyone.

Overall, the resurgence of this block is evident. The request is a type of hybrid use between a wine bar and a coffee bar which is an unusual combination but also is not a use solely catering to alcohol consumption. The area serves a mixture of commercial uses which includes a number of restaurants, cafes and retail uses. The proposal creates a more unique option in the area which caters to a variety of needs. As such, the use will continue to serve a function and provide a service that will be beneficial to the community which in conjunction with the imposition of a number of conditions addressing operational regulations will result in the enhancement of the built environment.

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 grant authorized herein incorporates a number of conditions which have been imposed upon the use which are designed to make the use more compatible with other uses in the surrounding community. Conditions include but are not limited to alcohol sales training for employees, limits on the conduct of live entertainment and noise mitigation,

The subject grant for alcohol sales is authorized for a term of four years in recognition that the use is new and that it is to be operated like a public premise even though it proposes a coffee bar component. Prior to the end of the term grant, the applicant will have to seek authorization to continue the alcohol sales. This allows the City an opportunity to review the operation of the establishment anew. If the operation has been conducted appropriately and without creating problems, then a subsequent decision on a new grant may take that into favorable consideration. A record of poor compliance and/or nuisance complaints would allow the City the discretion to not authorize the continuation of alcohol sales and thus avoid the need to proceed with prolonged nuisance abatement proceedings. Thus,

as conditioned the use is anticipated to not degrade adjacent areas properties or the neighborhood.

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

The San Pedro Community Plan Map designates the property for Limited Manufacturing land uses with corresponding zones of CM, MR1 and M1 and Height District No. 1VL.

The subject property is planned and zoned for commercial uses. The conditional use authorization for the sale of alcoholic beverages on-site is allowed through the approval of the Zoning Administrator subject to certain findings. The required findings in support have been made herein.

4. **The proposed use will not adversely affect the welfare of the pertinent community or result in an undue concentration of premises for the sale of alcoholic beverages after given consideration to the State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration after giving consideration to the number and proximity of these establishments within a 1,000-foot radius of the site, and giving consideration to crime rates in the area.**

According to the Department of Alcoholic Beverage Control (ABC) for Census Tract No. 2971.10 within which the subject property is situated, 4 on-site and 3 off-site licenses are allowed. There are currently 6 on-site and 6 off-site licenses.

Within a 1,000-foot radius of the subject property, the following types of alcoholic beverage licenses are active or pending:

- (1) Type 17 – Beer and Wine Wholesaler
- (7) Type 20 – Off-Sale – Beer and Wine
- (1) Type 21 – Off-Sale – General
- (1) Type 23 – Small Beer Manufacturer
- (8) Type 41 – On-Sale – Beer and Wine – Bona Fide Public Eating Place
- (1) Type 42 – On-Sale – Beer and Wine – Public Premises
- (7) Type 47 – On-Sale – General – Bona Fide Public Eating Place
- (4) Type 48 – On-Sale – General – Public Premises
- (5) Type 58 – Caterer's Permit
- (1) Type 66 – Controlled Access Cabinet Permit
- (1) Type 68 – Portable Bar

The number of licenses for on-site sales is above the allocated threshold. The property is located within a corridor where a concentration of uses catering to visitors and employees is increasing. This grant is approved for a limited term of four years which allows for a review of the grant in its entirety at the end of such term and of an evaluation of any impacts associated with any future potential increase in licenses within this census tract.

According to statistics provided by the Los Angeles Police Department within Crime Reporting District No. 566, which has jurisdiction over the subject property, a total of

338 crimes were reported in 2012, compared to the citywide average of 146 crimes and the high crime reporting district average of 176 crimes for the same period.

In 2012, there were 96 Narcotic (16.4), 0 Liquor Law (0.0), 0 Public Drunkenness (0.3), 0 Disturbing the Peace (0.0), 0 Disorderly Conduct (0.2), and 9 DWI (6.8) 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 crime rate numbers are higher than those rates identified for the City. No communication has been received from the Police Department regarding the proposal despite attempts by the applicant to obtain input. Nonetheless, conditions have been incorporated into the grant to assure better oversight and conduct of the operation.

5. **The use will not detrimentally affect the nearby residentially zoned communities in the area 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.**

There are some mixed residential uses within the same building and in the vicinity as well as other uses which also sell alcohol. As noted, since the site is located along a prime commercial corridor, the diversity amongst the uses is not uncommon. This grant has placed numerous conditions on the request and not authorized uses of the property which might create potential nuisances for the surrounding area. Such imposition of conditions, as well as the imposition of a four-year term grant, will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case.

The following sensitive uses were observed within a 600-foot radius of the subject property:

People's Yoga, Health & Dance Center
365 6th Street

Marymount University Marylyn & Chuck Klaus Center for the Arts Center
430 6th Street

Merry-Go-Round Nursery School
446 8th Street

Mavricks Ultimate Training Center
619 Mesa Street

Anderson Memorial Park Recreation & Senior Citizen Center
828 Mesa Street


ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No.

172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain.

7. On January 28, 2014, the project was issued a Notice of Exemption (Article III, City CEQA Guidelines), log reference ENV-2013-3693-CE, for a Categorical Exemption, Class 5, Category 34 (Section 15300, State CEQA Guidelines.) I hereby adopt that action.

Inquiries regarding this matter shall be directed to Oliver Nelburn, Project Planner for the Office of Zoning Administration at (213) 978-1395



LOURDES GREEN
Associate Zoning Administrator

LG:ON:lmc

cc: Councilmember Joe Buscaino
Fifteenth Council District
Adjoining Property Owners