

ORIGINAL



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☒ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: ZA-2016-0932-CUB

Project Address: 4001 West 6th Street, Los Angeles, CA 90020

Final Date to Appeal: 08/18/2016

Type of Appeal: ☒ Appeal by Applicant/Owner
☐ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Yoon Hee (Charles) Yeh

Company: Aceplus Inc.

Mailing Address: 4001 West 6th Street

City: Los Angeles

State: CA

Zip: 90020

Telephone: (213) 700-6233

E-mail: yeh1114@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self

☐ Other: _____

- Is the appeal being filed to support the original applicant's position?

☒ Yes

☐ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Hana Oh

Company: The Code Solution

Mailing Address: 1125 West 6th Street Suite 205

City: Los Angeles

State: CA

Zip: 90017

Telephone: (213) 537-0158

E-mail: hana@thecodesolution.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?

☐ Entire

☒ Part

Are specific conditions of approval being appealed?

☒ Yes

☐ No

If Yes, list the condition number(s) here: 13, 34, 35, 32

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____

Date: _____

08/18/16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- ● Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- ● A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- ● All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$6,459.00</u>	Reviewed & Accepted by (DSC Planner): <u>C. van der Zweep</u>	Date: <u>08-18-2016</u>
Receipt No: <u>31521</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Justification/Reason for Appeal

4001 West 6th Street, Los Angeles, CA 90020

This appeal is only as to certain conditions contained in the August 3, 2016 Determination Letter for this newly approved Conditional Use Permit – Case No. ZA-2016-0932-CUB. However, the appellant, Aceplus, Inc. and Yoon Hee (Charles) Yeh, would like to only specifically challenge the following conditions; Condition No. 13, Condition No. 32 should be modified, Condition No. 34, and Condition No. 35 – while remain and continue rest of remaining approved conditions along with the final decision.

Per Condition No. 13, the appellant is requesting to extend time to submit a copy of the final Department of Building and Safety approved floor plans and plot plan to the CCU within at least 90 days of approval in lieu of 30 days of approval. Per condition No. 7, the CCU is requiring a building permit to change the use from existing Night Club with seven (7) Karaoke Rooms to a Restaurant. It is a new business with a change of use; therefore DAS Clearances, Health/Food Clearances, etc. are required to obtain a completed permit along with Certificate of Occupancy. In order for appellant to comply with the subject condition accordingly, much more time is needed.

Per Condition No. 32, the appellant is requesting that the language be modified, to permit the use of the Café Entertainment/Show Permit and approved entertainment by the currently pending before the Los Angeles Police Board, PPRP No.:16-0007. Condition No. 32 should be modified to say “no form of live entertainment **without a valid Permit from the Board of Police Commissioner**” adding in the highlighted language or acceptable language to that effect and removing the language which states “has been requested or approved herein.” The recommendation of the Police Board CID Investigator after a full investigation of all alleged issues raised by other departments within the Los Angeles Police Department is to GRANT with conditions the Café Entertainment/Show Permit for Aceplus, Inc., dba Story, for 4001 W. 6th Street, Los Angeles, California. All of the information provided to the Zoning Administrator in this case was already provided to the CID Investigator for the Police Permit Review Panel of the Board of Police Commissioners of alleged criminal activities, for which the submitting department (Olympic Vice and Sgt. Julia Vincent” were directly advised by the Commission Investigation Division (CID) Investigators were not properly presented, did not change their recommendation to GRANT the police permit and were fully investigated as to all incidences alleged to have occurred at this location. In particular, the attempt by Olympic Vice to raise adverse information from the year 2013 was outright rejected. The exact words from the

Police Board Investigator were “that is too old” to be considered in that case, and is likewise too old to consider in this case. In fact, the representative for the Olympic Vice Division attempted to oppose the Police Board CID Investigators recommendation to GRANT the Café Entertainment/Show Permit, by submitting the same list of incorrect and misrepresented alleged “arrests and citations” as submitted to the Zoning Administrator in this case before closure of the submissions period after the Public Hearing. Attached is a letter sent by the Attorney for the Applicant, detailing how the list of criminal activities is in fact, exaggerated, misleading and incorrect. No criminal case has ever been opened charging Applicant or any representative of the Applicant with any crime or criminal violation of the conditions of the last issued CUB for this location. That means that the alleged “arrest” and release at the scene is a false statement, and was relied upon in the Determination letter in this case of August 3, 2016. No actual “arrests” occurred, only citations at the scene. Of the citations issued none were actually charged – meaning none were ever submitted for criminal charges to the Superior Court. There was insufficient evidence to establish any criminal activity to the required legal standards. As such, the use of these uncharged tickets/citations in this case, after this information was rejected by the Board of Police Commissioners CID Investigator is just an “end run” around the Criminal justice system and its constitutional level protections, as well as the recommendations of another an higher level department within Los Angeles Police, the Board of Police Commissioners. That permit is still pending, as Olympic Vice falsely informed the CID Investigation Unit that this case ZA 2016-0932(CUB) was a case for revocation of an existing CUB for the Applicant. This is clearly not true, as this is a case for renewal of the prior CUB filed before its expiration date. The Police Board will make its determination when this case is final. There should be no prohibition upon live entertainment, specifically the request for the small group of musicians as mentioned at the Public Hearing.

Per Condition No. 34, the appellant is requesting to permit partitions, booths, or dining rooms. Decorative partitions, booths, or dining rooms are very common and popular amongst restaurants; even with family restaurants. Newly operating business is a bona fide restaurant with a full line of alcoholic beverages to enhance the dining experience. As a restaurant business owner, the appellant have right provide an atmosphere where it is compatible with other restaurants. The grounds for this condition were based upon alleged adverse history of “criminal” incidences (See Page 25-26 of the August 3, 2016 Determination Letter in this case, which is covered in the discussion about Condition No. 32 above. However, as discussed above, that information is misrepresented as there were no “arrests” and none of the citations against Applicant or its representatives were ever charged in a court case. They were dismissed immediately upon review by the court prosecutors, which occurs when there is insufficient evidence and grounds to sustain a criminal prosecution. For each alleged citation, no cases were ever filed and no actual crimes took place. The Applicant should not be required to radically change the interior design of the business, for a reason stated as that “. . . (the) opportunity for criminal activities to occur within the restaurant will be restricted.” The alleged

adverse history of "criminal activities" is not capable of being corroborated as discussed above. It is based upon gossip and exaggeration of facts, and not submitted at the Public Hearing so that the Applicant could address it. The practice of Olympic Vice in submitting such damaging information (already considered by the Board of Police Commissioner for the Café Entertainment/show Permit and still having a recommendation to GRANT that permit by another division of the Los Angeles Police Department) is a due process violation. Applicant can and has provided a sufficient explanation why the adverse history is not correct, without corroborating evidence (significantly lacking the case numbers for any prosecutions, because no prosecutions took place as to the Applicant and its representatives), it was done after that same information was deemed insufficient to change the Police Permit recommendation to GRANT, and too old.

Per Condition No. 35, the appellant is requesting to allow to remain previously approved existing enclosed rooms. According to Certificate of Occupancy Permit No. 01016-10000-10064, issued 1/15/2002, seven (7) rooms are permitted by Department of Building and Safety. The appellant is wishing to keep approved seven (7) rooms for interior aesthetic purposes. In addition, demolishing all walls for a new tenant improvement on interior space will cause a tremendous financial impact to the appellant, and detract from the character of the business affecting its existing client base, which will negatively affect the profitability of this business.

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
Aleta D. JAMES
CHARLES J. RAUSCH, JR.
FERNANDO TOVAR
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CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
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**DEPARTMENT OF
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August 3, 2016

Yoon Hee (Charles) Yeh (A)
Aceplus, Inc.
4001 West 6th Street
Los Angeles, CA 90020

Chong Haeng Cho, Teresa Chong, &
Song Sim Cho, Manhath, LLC (O)
421 South Van Ness Avenue, #36
Los Angeles, CA 90020

Hana Oh (R)
The Code Solution
800 West 1st Street, #1907
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CASE NO. ZA 2016-0932(CUB)
CONDITIONAL USE

4001 West 6th Street
Wilshire Planning Area
Zone: C2-1, R4-2

D. M.: 135B193

C.D. : 4

CEQA: ENV 2016-0933-CE

Legal Description: Lot 1 (arb 2) and Lot
2 (arb 2), Block B, Westminster Place
Tract

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

a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant, in the C2-1 / R4-2 Zone, and

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

a Conditional Use Permit to allow the hours of operation 11:00 a.m. to 2:00 a.m., daily, in lieu of 7:00 a.m. to 11:00 p.m. as restricted by Commercial Corner Regulations,

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 Condition Compliance Unit ("CCU") 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. Authorized herein is the sale and dispensing of full line of alcoholic beverages for on-site consumption, in conjunction with a 6,354 square-foot restaurant, subject to the following limitations:
 - a. Seating shall be limited to approximately 134 indoor seats provided that number of seats does not exceed the maximum allowable occupancy as determined by the Department of Building and Safety.
 - b. The hours of operation, shall be limited to 11:00 a.m. to 2:00 a.m. daily.
 - c. No after-hour use is permitted, except routine clean-up. This includes but it is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
7. **Prior to the effectuation of this grant**, a building permit to change the use from and existing Night Club with 7 Karaoke/Music Box Rooms and a 20.4 x 68.6 Covered Patio area [Certificate of Occupancy Permit No. 01016-10000-10064, issued 1/15/2002] to a Restaurant, shall be obtained from the Department of Building and Safety. The Department of City Planning shall review and approve the construction set of plans to ensure compliance with these conditions. The applicant shall provide a copy of the final approved plans to the CCU to be maintained in the Case File.
8. The authorization granted herein for the on-site sale and dispensing of a full line of alcoholic beverages is for a period of five **(5) years** from the effective date of this grant. Thereafter, a new authorization to allow the on-site sale and dispensing of full line of alcoholic beverages will be required. The applicant is advised that he/she should allow appropriate time for a new entitlement application to be processed and the application should be approved prior to the expiration date of this grant in order to continue the sale of beer and wine at the restaurant.
9. The applicant shall file a Plan Approval application no sooner than 18 months but within 24 months from the operational date of this determination. The operational date of this determination shall be identified and confirmed by the Planning Department's Condition Compliance Unit. The Plan Approval application shall be

subject to filing fees established by the Los Angeles Municipal Code Section 19.01-E. A public hearing shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the express terms of the Conditions of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

10. 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 CCU 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 CCU within 30-days of the beginning of her/his new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.
11. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, including a 500-foot notification radius, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or has changed in mode or character from the original approval or If at any time during the period of validity of this grant, should 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, shall be submitted to the Department of City Planning, Condition Compliance Unit 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.
12. **Prior to the effectuation of the 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 or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Condition Compliance Unit for inclusion in case file.

13. A copy of the final Department of Building and Safety approved floor plans and plot plan shall be submitted to the CCU for inclusion in the case file, within 30 days of approval.
14. **Prior to the effectuation of the grant**, a camera surveillance system shall be installed by a State licensed contractor to monitor the interior, entrance, exists and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The tapes shall be furnished to the Los Angeles Police Department upon request. The applicant shall provide evidence of the surveillance system to the CCU by submitting an invoice/receipt from the licensed installer, photographs of the cameras installed, the central monitoring system and a schematic plan cross-referencing the camera and central system locations. The plan must be reviewed and approved by the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
15. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment. Photographic evidence of the light fixtures, indicating the locations and types of light fixture, shall be submitted to the CCU, prior to the beginning of operations.
16. 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 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 and truancy occur.
17. **Prior to the beginning of operations**, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards notifying patrons of the program. The signs/cards shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus. A copy or sample of the sigs/cards shall be submitted to the CCU for inclusion in the case file.
18. **Prior to the effectuation of the grant**, electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages 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. A copy of the purchase receipt and

- Dreamland Children's Preschool 545 S. Serrano Avenue
- Artory N Apple Tree Preschool & Wiz Island Preschool
- Christ Church 635 S. Manhattan Place
- Mijoo Yan Kog Presbyterian Church 519 S. Western Avenue
- St. James Episcopal Church 3903 W. Wilshire Boulevard
- Church of Joy 3938 W. Wilshire Boulevard
- Evergreen Child Case 3960 W. Wilshire Boulevard, #306
- Iglesia De Jesucristo Casa De 3907 W. 6th Street
- Esther Jee Baek Church 3921 Wilshire Boulevard
- King Learning Ctr. Childcare Service 519 S. Western Avenue
- One Step Learning Ctr Childcare Service 3960 Wilshire Boulevard, #301

Consideration has been given to the distance of the restaurant use from residential buildings and the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by prohibiting live entertainment, karaoke, dancing, and off-site sales. The sale and dispensing of a full line of alcoholic beverages will be incidental to meal service and the establishment will continue to operate as a restaurant, with no off-site sales.

Together, these policies and procedures will ensure the nearby residential zones or uses are not detrimentally affected by the addition of alcohol to the menu. Employees will be required to go through City of Los Angeles Police Department S.T.A.R. training.

In addition, the condition to require that the applicant return within 18-24 months is designed to make the use compatible and accountable to its neighbors and to the surrounding greater community. As conditioned, the restaurant will continue to contribute significantly toward the enhancement of quality of life and economic revitalization of the area.

FINDINGS – MINI-SHOPPING CENTERS AND COMMERCIAL CORNER DEVELOPEMNTS

7. **Based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associated parking on of the automotive use will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

The proposed 1:00 a.m. closing time will not cause or constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets as this is well beyond any peak traffic hour. The proposed project provides on-site parking and is accessed via Manhattan Place. The project meets Code required parking per Building and Safety. There will be no addition of floor space or exterior construction in connection with the project.

8. **Project approval will not create or add to a detrimental concentration of Mini-**

- Garfield Beach CVS LLC 7551 Wilshire Blvd.
- Cathy Wonae Ghil 3914 Wilshire Blvd.
- Da Beer Inc. 3959 Wilshire Blvd., Ste. B211 & 213
- Shavuhy USA Inc. 3807 Wilshire Blvd. , Ste. 120-125
- Richard Rhee Est. 450 S. Western
- Jung Mo Yang 425 S. Western Ave., #E
- Feng Mao Inc. 414 S. Western Ave., #E
- Creative Space Development, LLC 3900 W. 6th St.
- SJ Dining Inc. 414 S. Western Ave., Ste. B

According to statistics provided by the LAPD, which has jurisdiction over the subject property within Crime Reporting District No. 2027, a total of 197 crimes were reported in 2014, compared to the citywide average of 163 crimes and the high crime reporting district average of 196 crimes for the same period.

In 2014, there were 23 Narcotics, 4 Liquor Law, 7 Public Drunkenness, 0 Disturbing the Peace, 2 Disorderly Conduct, and 31 DWI 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.

Over concentration can be undue when the addition of a license will negatively impact a neighborhood. Over concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. The subject site is located on a commercial corridor where a concentration of restaurants is evident and thus the higher number of alcoholic beverage licenses are anticipated. 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 surveillance, security guards and deterrents against loitering. The conditions will safeguard the welfare of the community.

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 following sensitive uses were observed within a 1,000-foot radius of the subject property:

- Multi-family Residential Uses
- Condominiums
- Child Green Preschool 543 W. Wilton Place
- Options for Youth High School 3959 Wilshire Boulevard
- ECC Academy High School 3850 Wilshire Boulevard
- St. James Episcopal School and Super Duper Child Care Services

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.

The Project Site is located within Census Tract 2121.02. According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, 2 on-sale and 1 off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 2121.02. Data provided on the ABC's License Query System indicate that there are 8 existing onsite and 3 existing offsite alcoholic beverage licenses within the subject Census Tract.

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

- (2) Type 21 Off Sale Beer and Wine
- (12) Type 41 On Sale Beer and Wine for Bona Fide Public Eating Place
- (12) Type 47
- (13) Full line
- (20) Beer & Wine

Alcohol Establishments

- Samwoo Enterprises 623 S. Western Ave
- School Food Enterprises 621 S. Western Ave # 301
- House Foods America Corp. 621 S. Western Ave. Ste. 208B
- Gangjung Inc. 621 S. Western Ave, Ste. 203
- Ho Bin Choi 3839 Wilshire Blvd.
- Mr. Pizza 3881 Wilshire Blvd.
- Wilshire Bistro 3869-3871 Wilshire Blvd.
- Hera Enterprise Inc. 3879 Wilshire Blvd.
- Feyk Enterprises Inc. 3839 Wilshire Blvd.# A
- B & K Enterprise Inc. 3855 Wilshire Blvd.
- Dae Seok Daniel Jeong 553 S. Western Ave, Ste. A
- Aceplus 4001 W. 6th St.
- Chong Hoa Han 532 W. Western Ave
- Café Moss Inc. 3979-81 W. 6th St.
- Yu Jung Restaurant Inc. 533 S. Western Ave, Ste. C
- Bokga Inc. 545 S. Western Ave, #D
- Frank N. Hank LLC. 518 S. Western Ave
- E J Restaurants Inc. 3750 Wilshire Blvd.
- Ho Bin Choi 3828 Wilshire Blvd.
- 401 South Hover Property Inc. 3900 Wilshire Blvd.
- BBB Group LLC. 3832 Wilshire Blvd., Ste. 202
- 7 Eleven Inc. 3975 Wilshire
- Hankook Appraisal Inc. 3959 Wilshire Blvd., Ste. A11

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

The subject site will need to obtain a change of use from nightclub/karaoke into a restaurant and a building permit to remove the 13 individual dining rooms. Certificate of Occupancy obtained from the Department of Building and Safety Permit No. 01016-10000-10064 is for a night club with 7 karaoke/music box rooms and a 20.4' x 68.6' covered patio. All individual dining rooms identified on floor plans as submitted with Master Land Use application including unapproved dining rooms are required to be removed prior to effectuation of the grant.

The sale of alcoholic beverages at the restaurant will be located within the Wilshire Community Plan neighborhood which is characterized by clusters of commercial uses especially along 6th Street. The sale of alcohol at this location does not represent the introduction of a new use or one which is uncommon to the area.

The conditions require a surveillance system, adequate lighting and requires that windows be maintained free of excessive signage to allow surveillance. In addition, the grant requires that the Applicant install an age verification device at all points-of-sale, to deter underage purchases and drinking. Employees will undergo training on the sale of alcoholic beverages including training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. Other conditions related to excessive noise, preventing litter and loitering will safeguard the residential community in and around the building and by providing a 24-hour hot line, the community will be able to communicate with the operator regarding any complaints or concerns due to the operation.

To ensure that alcoholic beverages are not taken out of the premises, the applicant must ensure there is a policy on how the alcoholic beverages are to be sold and served. In addition, the applicant is required to establish a "Designated Driver Program" with visible posting for patrons. Therefore, with the imposition of such conditions the sale of alcohol at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

As conditioned by this grant, the request for the sale and dispensing of full line of alcoholic beverages for on-site consumption will not adversely affect the welfare of the pertinent community while enhancing the subject restaurant. In addition, the approval of the application at this location will not adversely affect the economic welfare of the community because the subject restaurant will continue to add economic vigor to the local economy. The project will contribute to the business tax.

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

detrimental to the neighborhood character. In case of any complaints from the community, a 24-hour hot line is required to document and to respond to any public complaints within 24- hours. The primary focus of the business operation of the restaurant is to serve food and the sale of alcoholic beverages for on-site consumption is in conjunction with the proposed restaurant. As conditioned, the restaurant use with the full line of alcoholic beverages will not be materially detrimental to the character of the immediate neighborhood.

The subject grant for alcohol sales is authorized for a term of 5 years after which time the applicant will have to request authorization to continue the sale of alcohol. This allows the City an opportunity to review the operation of the restaurant anew. If the operation has been conducted appropriately and without creating problems, then a subsequent decision to allow the continuation of such sales may take that into favorable consideration. A record of poor compliance and/or nuisance complaints would allow the city the discretion to not continue the requested use and thus avoid the need to proceed with prolonged nuisance abatement proceedings.

As such, 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 and the development of the Downtown Los Angeles community.

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

There are eleven elements of the General Plan. Each of these Elements establishes policies 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 in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Wilshire Community Plan Map designates the property for Regional Center Commercial land uses with corresponding zones of C2, C4, P and PB and Height District No. 2. The property is not currently within the area of any specific plans or interim control ordinances.

The Plan is silent as to the on-site service of alcoholic beverages. This project is in harmony with the goals and the intents of the General Plan Elements adopted for this geographical area in that, as conditioned, it will allow for optimum use of this site without detriment to adjacent or nearby properties.

Based on the above, it can be concluded that the project substantially conforms to the purpose, intent and provisions of the General Plan and the Wilshire Community Plan.

The northern portion of the subject property is zoned R4-2 and the southern portion is zoned C2-1, with a Neighborhood Office Commercial land use designation and is located within the Wilshire Community Plan Area, the Wilshire Center / Koreatown Redevelopment Project (ZI-1940) and Los Angeles State Enterprise Zone (ZI-2374).

Adjoining properties directly to the north are zoned R4-2 and developed with a three-story residential dwelling. Further to the north properties are also zoned R4-2 and developed with a three story apartment building.

Properties to the south across 6th Street is zoned C2-1 and is developed with a Union 76 gas station. Beyond that to the south is zoned R5-2 and developed with a multi-story residential dwelling.

Properties to the east across Manhattan Place are zoned C2-1 and R4-2 developed with a one-story Karaoke restaurant and a multi-story apartment building.

Adjoining properties to the west is zoned C2-1 and are developed with an Art Gallery. Further down 6th Street and across St. Andrews Place, properties are developed with a residential dwellings.

As the project is located in a zone with like uses, there are several restaurants in the immediate area which cater to a neighborhood with several multi-story apartments and units. The location allows options for dining and opportunity for residents to walk or use public transportation. The use located on a commercial corner and oriented away from residential uses will allow easy access from 6th Street with available parking on-site.

The applicant has submitted a Master Land Use Application and Special Instruction for Alcohol and Adult Entertainment Establishment Form with statements indicating there will be no piano bar, no dancing, no live entertainment, no movies, no karaoke, no video game machines as this establishment is a bona-fide eating place (restaurant). At the public hearing held on May 10, 2016, the applicant's representative requested the applicant be granted approval to have live music, a band (trio). The notice of public hearing did not include a request for live entertainment. Therefore, no entitlement has been granted. The request is for a restaurant having 13 dining rooms with 134 interior seats. As noted, any obstructions within the interior space of the facility which restrict, limit or obstruct the clear view of the occupants including all partitions, booths or dining rooms both legal and illegally constructed are to be removed to ensure the business will operate as a bona fide restaurant.

To further ensure the use is compatible with adjacent properties, the exterior windows and glass doors of the restaurant will not have signs visible from the outside from the ground to at least six (6) feet in height above the ground which will also permit surveillance into the location by police/private security. Any noise generated on the property is not allowed to exceed the noise limits as regulated by the City's noise ordinance; therefore the use of the site is not expected to be

business to render all objects and persons visible and offering no form of live entertainment, opportunity for criminal activities to occur within the restaurant will be restricted. As the applicant has expressed a willingness to operate the business as a bona fide restaurant and having a history of criminal activities and violations of prior CUP conditions it is therefore reasonable to require the removal of any interior obstructions within the interior space.

In the original application request the applicant requested a 2:00 a.m. closing hour. The property is subject to the Commercial Corner regulations which limit the hour to 11:00 p.m. this triggers the second conditional use request to exceed the required 11:00 p.m. closing hour. In an effort to enhance and ensure compatibility with the surrounding neighborhood at the same time perform a function or provide a service beneficial to the community and in the absence of activities associated with a night club use such as no live entertainment of any kind including no karaoke entertainment and conditions to monitor and control the level of potential noise and security measures in place to assist with safeguarding the property and surrounding community including the installation of a camera surveillance system to monitor the interior, entrance exists and exterior area in front and all around the premises, lighting installed in all areas of the business to render all objects and persons clearly visible within the establishment, at least one on-duty manager with authority over all activities within the facility on duty at all times the facility is open for business and signs posted prohibiting loitering and public drinking, it is therefore reasonable to grant extended hours beyond the limit of Commercial Corner regulations to allow for a service to the surrounding neighborhood and allow the business to thrive.

The proposed use in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues will assure that the service of alcohol is not disruptive to the community. The sale and dispensing of a full line of alcoholic beverages will be incidental to the food sales of the subject restaurant. The area serves a concentration of commercial uses, and high density residential adjacent to and within walking distance to the subject site. The proposal is in keeping with the nature of the development in the area which caters to a variety of needs and provides a casual alternative to dining for residents and employees in the area. As such, the request 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 conduct 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 subject property is on a corner parcel of land, consisting of approximately 12,864 square-foot corner irregular lot. The site is developed with a one-story building, built in 1941 and 13 parking spaces directly east of the building. Vehicular access is via a driveway on Manhattan Place. Pedestrian access is via 6th Street.

karaoke rooms as subject to approval of building permits as issued by the Department of Building and Safety and hours of operation from 11:00 a.m. to 2:00 a.m. daily. The grant was approved for a two year term limit which expired on December 2, 2012. The applicant [Yoon Hee (Charles) Yeh] filed for a 1-year extension of time citing a financial hardship causing an inability to proceed with the project. A one year extension of time was granted to allow a plan approval extension to December 2, 2013. The time extension was also granted in conjunction with a two-year time extension per Ordinance No 182,106 resulting in a final extension to December 2, 2015. The request for a new grant was filed on November 17, 2015.

The business was purchased by the current applicant in September, 2009 as indicated under Zoning Administrator approval Case No ZA 2010-0146(CUB)(CU). The prior operation had a permitted use as a nightclub with seven karaoke/music box rooms including a portion of the building converted to a covered patio. The previous operation had been problematic. Records show that the Police Department identified multiple violations on the site spanning from a period of time from 2007 to 2010 citing multiple violations of Planning Conditions and Department of Building and Safety code violations including reference to clear frosted windows on karaoke doors, absence of a Café Entertainment/Shows Permit, smoking in karaoke rooms, maintaining dimmer lights in rooms and criminal acts including B-Girl activity and a murder which occurred in June, 2009. More recently, June 2013 to April 2016 the Los Angeles Police Department noted several afterhours inspections conducted at the site location revealed the operator to be in violation of multiple CUP conditions including too many karaoke rooms, windows being obscured, no electronic age verification device, solicitation of Alcoholic Beverage and escort services without a proper permit. Also noted was a decrease in reporting for a period of time in 2014 as the business was non-operational.

The prior operation of a nightclub/karaoke with 11 karaoke rooms presented multiple problems for the Los Angeles Police Department. The express concerns by LAPD are legitimate as there has been a history in Koreatown of illegal activities associated with establishments that maintain karaoke rooms. Unsupervised rooms can cause problems such as over service to customers and can become a breeding ground for illicit activities. The location has a reputation in "Koreatown" which has fostered such activities. Therefore there is reason to remove partitions which are cause for concern. Private dining rooms cannot be monitored and provide opportunity for lewd acts and place patrons at risk of being victims of sexual attacks.

Given the change in the mode and character of the operation from a nightclub/karaoke use to a bona fide restaurant with a full line of alcoholic beverages the operator will have an opportunity to focus on offering food service and enhancing the dining experience by offering a full line of alcoholic beverages to complement items on the menu. As conditioned in this grant the applicant is required to remove all obstructions within the interior space of the facility which restrict, limit or obstruct the clear view of the occupants. This includes all partitions, booths or dining rooms both legal and illegally constructed. With an open floor plan for tables and chairs to occupy the space, lighting installed in all areas within the

- The applicant, may not employ, solicit, nor allow to operate on premise any employee or agent to accept money or anything of value, including alcohol, from a customer for the purpose of sitting or spending time with customers, while in the premises. Nor shall the applicant, manager and/or the employee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers. (Commonly known as "bar girls", or "dowoomi" in the Korean language/culture).
- No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the premises.
- No discount alcoholic beverages or "Happy Hour" for the purposes of alcoholic beverages shall be offered at any time.
- There shall be no minimum drink requirement for patrons.

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 sale of a full line of alcoholic beverages for on-site consumption and a deviation 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.

FINDINGS

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

The subject property is an approximately 12,864 square foot irregular corner lot having frontage of approximately 95 feet along 6th Street and approximately 116 feet along Manhattan Place. The property is developed with a 1-story commercial building built in 1941 and currently zoned for commercial (C2-1) and multi-family residential (R4-2). The subject request is for 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 6,354 square-foot restaurant having 13 dining rooms and 134 interior seats. The applicant is requesting a change of use from a previous entitled nightclub/ karaoke use to a 6,354 square foot restaurant having hours of operation from 11:00 a.m. to 2:00 a.m. daily.

As noted under the prior grant (ZA 2010-0146(CUB)(CU)), the facility was approved for the continuation of the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant with a maximum of 11

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.

Recommendations submitted for consideration:

- All alcohol shall be served only in conjunction with a food order.
- No alcohol shall be served at the "Alcohol Display" which was formally known as a bar inside the establishment. No stools, chairs or benches shall be allowed at or near the "Alcohol Display". There shall be no bar or lounge area on the premises.
- No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the applicant.
- The sale of alcoholic beverages for consumption off-site of the premises is prohibited.
- No fortified wine (greater than 16% alcohol) shall be served.
- All beverages, alcoholic and non-alcoholic, including bottled water, shall be served in clear, see-through cups not to exceed ten ounces.
- All beverages shall be served and sold by the glass only and not by the bottle, including bottled water. All service of alcoholic beverages shall be conducted by a waitress, waiter, or bartender.
- The kitchen shall remain open for service at all times alcohol beverages are dispensed for consumption on the premises.
- The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sales of food during the same period. The licensee shall, at all times maintain records which separately reflect the gross sales of food and the gross sales of alcoholic beverages of the licensees' business. Said record shall be kept no less frequently than on a quarterly basis and shall be made available to the LAPD, Department of City Planning, and ABC investigators/personnel upon demand.

advised that the Los Angeles Police Department, Olympic Area, firmly opposes a CUP be granted to the applicant". On June 1, 2016, the applicant is scheduled for a hearing with the Los Angeles Police Department, Police Commission to acquire a CES permit which would allow live entertainment (karaoke) at the establishment. In the event a CUP is approved the Department has submitted (44) suggested operating conditions.

- Priority Mail received May 19, 2016 from Greater Wilshire Neighborhood Council, Land Use Committed, Secretary Philip Farah, acknowledge at board meeting held May 13, 216, Council voted to support the application for CUB for a full line of alcoholic beverages in conjunction with restaurant use.
- Email received May 23, 2016 from Julia Duncan, Planning Deputy for Councilmember David Ryu, Council District No. 4, acknowledges Zoning Administrators' case is under advisement until May 24. However, after further review and speaking with LAPD (Sargent Vincent) the Council Office adamantly opposes this application. Noting the applicant has been less than truthful with the Council Office regarding their true intentions. In meeting with the applicant and representative (5/19/16), the project was proposed as a bar and not a restaurant. The proposal also referred to live music (not a part of public hearing notice) would be in the private rooms for people to sign along to karaoke (also not noticed for public hearing or presented at public hearing). In addition, the applicant has made no accommodations to the Council Office's request for reduced hours. Therefore, Councilman Ryu opposes this application and recommends that it be denied.
- Email received May 24, 2016 from Hana Oh, Applicant's representative. The following exhibits were attached: copy of Neighborhood Council letter in support of proposed CUB and hours of operation; copy of menu; copy of 2010 CUB approval; copy of extension of prior CUB. Applicant requesting an additional 2-week extension to permit the Neighborhood Council to complete its meeting relating to this project.
- May 24, 2016, reports received from Los Angeles Police Department Olympic Vice Unit: Copy of Arrest Summary Report dated 6/27/2013 – 12/11/2015 (total of 21 reports); Crime Summary Report dated 9/21/2013 – 10/4/2013 (total of 3 reports); Calls For Service Report dated 10/10/2013 – 1/16/2016 (total of 3 reports).
- Certified Mail received June 6, 2006 from applicant's attorney (Donna Bullock) and the following attached exhibits: Copy of Neighborhood Council letter in support of proposed CUB and hours of operation from 11:00 a.m. to 2:00 a. m.; Copy of menu; Copy of prior CUB dated November 17, 2010; Copy of Extension of Time for prior CUB until 12/2/2015.

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

found and defendant (Yong Joon Kim) was arrested and released at the scene for Valet without proper permit and all karaoke rooms shall have a clear glass window in a portion of a door and wall.

- On October 4, 2013 OLYM Vice Unit conducted an inspection at the location. An employee was found in violation of not having a Café Entertainment Show (CES) Permit. Defendant (Yong Joon Kim) was arrested and released.
- On October 4, 2013, OLYM Vice Unit conducted a routine ABC inspection at the location. Two individuals were arrested for possession of a controlled substance and taken into custody.
- On January 28, 2014, this establishment received a 15-day suspension from ABC. The suspension started on January 28, 2014 and ended February 7, 2014 with a 5-day "Stay" in the form of probation from ABC.
- On August 12, 2014, this establishment their second suspension from ABC. The suspension started on August 12, 2014 and ended August 22, 2014 with a 10-day "Stay".
- July 12, 2015, OLYM Vice Unit conducted a routine ABC inspection at the location. The applicant (Yeh) was found in violation of the CUP. Security working at the location did not have a valid Security Guard Card, no STAR Training was completed by employees and no Designated Driver Program had been provided by the patron. Defendant (Yeh) was arrested and released.
- On December 11, 2015, OLYM Vice Unit conducted a routine ABC inspection at the location. The manager (Kwon) provided the officers with an expired CUP, dated November 17, 2010 with an expiration date of November 15, 2015. Defendant (Kwon) was arrested and released. During the same inspection other violations and arrest occurred including a patron smoking inside of a karaoke room and a female employee working as an escort without a permit.
- On April 6, 2016, OLYM Vice Unit, conducted a routine ABC inspection at the location. The manager (Kwon) provided the officers with an expired CUP, dated November 17, 2010 with an expiration date of November 15, 2015. Defendant (Kwon) was attested and released. During the same inspection other violations and arrests occurred including patrons observed smoking inside of a karaoke room at the establishment.

"Based on the results of the applicant's past history and inability to responsibly operate his business within the conditions set forth by the Los Angeles Department of City Planning, Department of Alcohol and Beverage Control, the State of California Business and Professions Code and the State of California Labor Code, please be

regarding the establishment. The applicant has consistently operated the business while selling/allowing the consumption of alcohol after hours, operating an Escort Bureau without a license and refusal of ABC inspection in addition to other violations. This location has been under investigation prior to 2013. However, due to the numerous arrest made at this location, it was determined that OLYM Area Vice Unit would provide crime and/or arrest reports from January 1, 2013 through May 12, 2016. As noted in a LAPD Intradepartmental Correspondence letter dated July 20, 2015, this location has been the subject of only 2 radio calls since January 2013. Also noted that during the year of 2014, the location was closed for business. The following are documented examples of activities, which are commonly seen at this location by the OLYM Vice Unit.

- On June 27, 2013, members of OLYM Vice Unit conducted and inspection and found the operator to be in violation of their CUP. Violations included too many karaoke rooms, windows being obscured and no electronic age verification. The manager at establishment (Ki Kwon) was cited and released.
- On August 23, 2013, members of OLYM Vice Unit attempted to gain access into the establishment at 3:30 a.m. to conduct an after-hours investigation. Access was denied. An employee was cited and released for refusing to allow an inspection at ABC location.
- On September 6, 2013, members of OLYM Vice Unit responded to a radio call of an "Ambulance shooting" at the location. No shooting took place however, and ABC inspection was conducted at location. Operator was found in violation for not having an ABC license posted at the location. Acting Manager (Sung Chough) was cited and released.
- On September 21, 2013, an undercover investigation was conducted to determine if ABC violations and/or prostitution were occurring. It was determined that a violation of Solicitation of Alcoholic Beverage and escort services without a proper permit had occurred. The defendant was arrested and taken into custody.
- On September 21, 2013, citizen complaints were received of after-hours operations at the location. On September 22, 2013 at approximately 1:00 a.m. an undercover investigation was conducted. Violation of the Penal Code occurred during the investigation. As officers responded to the location for the arrest, employees ran from the establishment parking lot and locked the doors of the business. Officers gained entry to establishment and three employees were arrested for refusal to allow inspection and taken into custody.
- On September 28, 2013 at approximately 1:20 a.m. OLYM Vice Unit conducted an inspection at the location. Violation of the CUP was

- For a band, looking at a trio (no more than 3)
- No stage area
- No dancing

Zoning Administrator requested staff to confirm if any permits are on file for 13 karaoke rooms. Staff responded no. Applicant's representative/attorney stated existing tenant took over building and has not initiated any tenant improvements. Applicant's representative suggested Zoning Administrator write a condition referencing a new Certificate of Occupancy be obtained.

Julia Duncan, Planning Deputy for Councilmember David Ryu, provided the following testimony:

- Council Office has not had a chance to sit down with applicant before the hearing
- Council Office is concerned
- Drove by site yesterday. Site directly abuts multi-family unit and surrounded by multi-family units. Mitigation is needed.
- Hours of operation need to be reduced. Sun-Thu until 11:00 p.m.; Fri-Sat okay with a 2:00 a.m. closing
- Concerned if there will be security in parking lot
- As there are 13 rooms previously dedicated to karaoke, property may lend itself to that use.
- Entertainment was not noticed for public hearing but requested here today
- Council Office wants clarification on ownership
- Currently there are two Los Angeles Department of Building and Safety code violations open on property
- A landscape plan is requested. Looking for improvements

No additional testimony was received. The Zoning Administrator closed the public testimony and announced the case would be taken under advisement for a period of two weeks, until May 24, 2016 in order to allow time for the Neighborhood Council to review project and submit comments. Also the Council Office requested additional time to meet with applicant and submit suggested operating conditions as well as address environmental concerns.

COMMUNICATION RECEIVED

- Letter dated May 12, 2016 and received May 18, 2016 from Los Angeles Police Department Olympic Vice, Captain Vito Palazzolo, Commanding Officer, opposing the request for an issuance of a Conditional Use Permit for this establishment. The establishment known as "Story Karaoke" has been identified as a problem karaoke/ABC establishment. The following incidents are specifics of which Story Karaoke has attributed to Olympic Area's increase in an incidence of crime and placing an undue hardship on the community and City of Los Angeles resources.
 - Since 2013 Olympic (OLYM) Vice personnel indicated there has been numerous Alcohol Beverage Control (ABC) inspections, after hours investigations conducted and numerous complaints received from citizens

- Applicant is proposing a 6,354 square foot restaurant with 13 dining rooms
- There will be 134 interior seats
- Relief from Commercial Corner with hours of operation 11:00 a.m. to 2:00 a.m. daily
- Use is not for karaoke. Existing CofO is for nightclub/karaoke use. Applicant will need to apply for a change of use to restaurant.
- On April 20, 2016, staff received one telephone call from resident opposed to increase in number of alcohol permits for restaurants in area and number of car accidents occurring in area.
- On April 28, 2016, staff conducted a site visit.

Donna Bullock, the applicant's representative/attorney, provided the following testimony:

- Requesting a CUP (Conditional Use Permit)
- Business known as "Story" and in operation for over 10 years.
- There were prior CUP issues
- No history of problems in community
- Has been a successful business
- Originally restaurant was a karaoke type restaurant. All tenant improvements were carried out for this type of business
- An application was made with LAPD for Café and entertainment type permit but applicant is not pursuing at this time
- Request is for full service bar, restaurant and live music
- No karaoke requested. There is no karaoke equipment in rooms
- Individual karaoke rooms have not been removed. It's too expensive for applicant to remove rooms. Would require redesign of entire 6,500 square foot space
- This is an established on-going business
- No ABC (Alcohol Beverage Control) citations
- Neighborhood Council sent a letter dated Tuesday 4/26/16 with recommendations of approval to full Board
- Request case remain open for one week until full Neighborhood Council meets
- Applicant is seeking renewal. Prior CUB has expired
- Location has sufficient parking. Private parking lot is available
- No noise complaints
- Letter of complaint received of too many restaurants in area. "Basically, this restaurant was here first". Restaurant has been in location for over 10 years
- This will be an extreme hardship if this CUB was not granted
- Applicant needs CUB to be successful
- Any problems or issues which may arise out of this hearing, applicant would like opportunity to respond

The applicant's representative/attorney, Donna Bullock provided the following clarification to the applicant's request:

- Requesting live music
- Seeking all conditions granted in prior approval
- Requesting traditional hours of operating, 11:00 a.m. to 2:00 a.m. daily

1996, the Zoning Administrator approved on-site alcoholic beverage consumption, reduced parking, dancing and a hotel within 500 feet of an "R" Zone, subject to 37 conditions. The grant was never exercised and lapsed.

Case No. ZA 94-0529(CUB) - On November 14, 1994, the Zoning Administrator approved a request to permit the sale of beer and wine for on-site consumption in a restaurant in the C2-1 Zone located at 553 South Western Avenue.

Case No. ZA 94-0269(CUB) - On July 15, 1994, the Zoning Administrator approved a request to permit the sale of beer and wine for off-site consumption for a project located at 553 Western Avenue.

Case No. ZA 93-1023(CUB) - On March 1, 1994, the Zoning Administrator denied a request to permit the sale or dispensing for consideration of alcoholic beverages, including beer and wine, for off-site consumption in a proposed convenience market located within an existing mini-shopping center in the C2-1 Zone.

Case No. ZA 93-0733(CUB) - On January 30, 1994 the request was approved to permit the on-site sale of a full line of alcoholic beverages at 4001 West 6th Street operating from 7 p.m. to 2 a.m., seven days a week.

Case No. ZA 93-0851(CUB) - On January 5, 1994, the Zoning Administrator approved a request to permit the sale of a full line of alcoholic beverages for on-site consumption within an existing 3,949 square-foot restaurant nightclub, operating between the hours of 6 a.m. and 2 a.m., seven days a week in an existing commercial building in the C2-2 Zone, located at 601 South Western Avenue.

Case No. ZA 86-0334(CUB) - On July 10, 1986, an approval was granted for a conditional use at 3958 West 6th Street to permit the sale and dispensing of beer and wine for onsite consumption in a restaurant serving 44 patrons.

Case No. ZA 85-0557(CUB) - On September 5, 1985, the Zoning Administrator approved a conditional use to permit a general off-site sale consumption alcohol sales permit from 3878 West 6th Street

PUBLIC HEARING

A public hearing was held on May 10, 2016 and was attended by applicant's representative/attorney, Donna Bullock, applicant [Yoon Hee (Charles) Yeh] and Council District No. 4 representative, Julia Duncan, Council Deputy.

Planning Staff presented a brief overview of the project stating the following:

- Applicant is requesting a Conditional Use Permit for a full line of alcoholic beverage for on-site consumption in conjunction with a proposed 6,354 square foot restaurant having 13 dining rooms and 134 interior seats.
- Applicant is also requesting relief from Commercial Corner

Case No. ZA 2001-4357(CUB)(BL) - On April 4, 2002, the Zoning Administrator approved a request for the sale of alcohol for on-site consumption in conjunction with food establishments located at 61 5 South Western Avenue.

Case No. ZA 2001-0105(CUB)(PA1) - On July 19, 2001, the Zoning Administrator approved a request for a 2,450 square-foot expansion to an existing 3,453 square-foot ground floor with mezzanine restaurant with the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption at a pizzeria located at 3881 Wilshire Boulevard.

Case No. ZA 2000-3171(CUB) – On January 18, 2001, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine for on-site consumption, in conjunction with an existing 60-seat restaurant located at 3977 West 6th Street.

Case No. ZA 2000-2210(CUB) – On December 7, 2000, the Zoning Administrator approved a conditional use to permit the sales of beer and wine for on-site consumption at 3869 Wilshire Boulevard.

Case No. ZA 99-0382 (CUZ)(CUB) (CUX)(SP) - On June 23, 1999, the Zoning Administrator approved a hotel in the C2 Zone located within 500 feet of an "R" Zone, a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, the establishment of a dance hall, the shared use of off-street parking spaces for the establishment of a proposed hotel and a reduction in the number of off-street parking spaces, for a project located at 621-623 South Western Avenue.

Case No. ZA 99-0070-CUB - On June 14, 1999, the Zoning Administrator approved a conditional use to permit the sale of alcoholic beverages for on-site consumption with dance hall and karaoke at 4001 West 6th Street.

Case No. ZA 98-0606 CUB - On February 26, 1999, the Zoning Administrator approved a conditional use to permit the sale and dispensing for consideration of beer and wine as an accessory use to a restaurant located at 610 ½ South Western Avenue.

Case No. ZA 96-0994(CUB) - On February 20, 1997, the Zoning Administrator approved a request to permit the sale of a full line of alcoholic beverages for on-site consumption for a project located at 553 South Western Avenue.

Case No. ZA 96-0724(CUE): On October 29, 1996, for the service of beer and wine in the restaurant contiguous to the subject property, and seating less than 50 people was approved.

Case No. ZA 96-0164CUB) - On May 15, 1996, the Zoning Administrator approved a request to permit the use and maintenance of a restaurant, music cafe, and music studio serving approximately 60 patrons and selling a full line of alcoholic beverages for on-site consumption and operation between the hours of 9 a.m. and 2 a.m. seven days a week, located at 818 South Western Avenue.

Case Nos. ZA 94-0671(CUZ)(CUB)(CUX) and ZA 95-0695GP) - On February 8,

beverages for on-site consumption in conjunction with an existing restaurant within a shopping center, located at 545 South Western Avenue, Unit D.

Case No. ZA-2008-350-CUB - On June 3, 2008, the Zoning Administrator approved a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption with hours of operation from 11 a.m. to 11 p.m. Sunday through Thursday and from 11 a.m. to 12 midnight on Friday and Saturday, in conjunction with a proposed restaurant, at 621 South Western Avenue, Suite 301.

Case No. ZA 2007-4563(CUB) – On December 28, 2007, the Zoning Administrator approved a request for a conditional use permit for the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing restaurant located at 621 South Western Avenue.

Case No. ZA-2005-3328-CUB – On November 30, 2005, the Zoning Administrator denied a request for a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing 3,949 square-foot restaurant with karaoke and live entertainment seating 170 patrons having hours of operation and alcohol sales from 6 p.m. to 12 midnight Monday through Wednesday, 6 p.m. to 2 a.m. on Thursday through Saturday, and closed on Sunday, at 601 -603 South Western Avenue.

Case No. ZA 2005-0983(CUB) - On June 9, 2005, the Zoning Administrator approved a request for a conditional use permit to allow a 1,910 square-foot expansion of an existing restaurant with the corresponding extension of an existing beer and wine service into the newly expanded area. Alcohol service for existing restaurant was authorized under Case No. ZA-2000-2210(CUB) for the SOJU Town Café located next door to the subject restaurant at 3879 – 3871 Wilshire Boulevard.

Case No. ZA-2004-5311-CUB – On April 5, 2005, the Zoning Administrator dismissed a request for a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing 3,949 square-foot restaurant accommodating approximately 225 patrons, with public dancing, karaoke, and live entertainment, and having hours of operation from 6 p.m. to 2 a.m., daily, on property located in the C2-2 Zone at 601-603 South Western Avenue.

Case No. ZA-2003-7481-CUB – On March 25, 2004, the Zoning Administrator denied the continuation of sale and dispensing of beer and wine at an existing restaurant/dance hall located at 601 South Western Avenue.

Case No. ZA-2003-2147-CUB – On July 25, 2003, the Zoning Administrator dismissed a request for a Conditional Use Permit to sell and dispense a full line of alcoholic beverages for on-site consumption, in conjunction with an existing restaurant with 18 karaoke rooms, and having hours of operation from 10 a.m. to 2 a.m. daily, located at 525 South Western Avenue.

Case No. ZA-2002-6049-CUB – On March 5, 2003, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in an existing market located at 553 South Western Avenue.

Case No. ZA 2010-0075(CUB) – On December 8, 2010, the Zoning Administrator approved a conditional use permit to allow the continued sale and dispensing of beer and wine only for on-site consumption, in conjunction with an existing restaurant in the C4-2 Zone, located at 3871 West Wilshire Boulevard.

Case No. ZA 2010-0073(CUB) – On December 8, 2010, the Zoning Administrator approved a conditional use permit to allow the continued sale and dispensing of beer and wine only for on-site consumption, in conjunction with an existing restaurant, in the C4-2 Zone, located at 3869 West Wilshire Boulevard.

Case No. ZA 2009-2116(CUB) – On August 12, 2010, the Zoning Administrator approved a Conditional Use Permit, to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in an existing restaurant in the C4-2 Zone, located at 3879 Wilshire Boulevard.

Case No. ZA-2008-1666-CUB – On October 16, 2009, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine for on-site consumption, at 621 South Western Avenue, Suite 300.

Case No. ZA-2008-3011-CUB – On May 15, 2009, the Zoning Administrator approved a Conditional Use to permit on-site only sales of beer and wine in a 1,439 square-foot restaurant, at 532 South Western Avenue.

Case No. ZA 2001-0105(CUB)(PA2) - On January 7, 2009, the Zoning Administrator approved a conditional use to permit the continued sale and dispensing of alcoholic beverages for on-site consumption; in conjunction with a 2,150 square-foot floor area reduction to an existing 6,550 square-foot restaurant resulting in a ground floor area of 3,300 square-feet and a mezzanine floor area of 1,100 square-feet and modification to condition No. 14 to allow a happy hour at a pizzeria located at 3881 Wilshire Boulevard.

Case No. ZA-2008-983-CUB - On November 4, 2008, the Zoning Administrator approved for a term of five years, a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed 8,181 square-foot restaurant in the C2 Zone with 11 hours of operation from 10 a.m. to 12 midnight, daily, at 621 South Western Avenue, Suite 301.

Case No. ZA-2008-1071-CUB – On November 4, 2008, the Zoning Administrator approved a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed 5,458 square-foot restaurant in the C2 Zone, at 621 South Western Avenue, Suites G06/G07.

Case No. ZA-2008-1453-CUB - On October 2, 2008, the Zoning Administrator approved for a term of five years, a conditional use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed 1,580 square-foot restaurant with hours of operation from 11 a.m. to 11 p.m., daily, at 621 South Western Avenue, Suite 301.

Case No. ZA 2008-0681(CUB) – On September 15, 2008, the Zoning Administrator approved a conditional use to permit the continued sale of a full line of alcoholic

Case No. ZA 2013-3727(CUB) – On April 14, 2014, the Zoning Administrator approved a Conditional Use to permit the continued sale of beer and wine for on-site consumption in conjunction with an existing 1,580 square-foot restaurant containing 66 seats with hours of operation of 11:00 a.m. to midnight, daily in the same structure located at 621 South Western Avenue

Case No. ZA 2013-1948(CUB) – On October 3, 2013, the Zoning Administrator approved, for a period of seven years, a conditional use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with a 1,761 square-foot restaurant with 36 interior and 8 patio seats with hours of operation from 10 a.m. to 12 midnight, daily, in the C2-2 Zone, located at 607-611 South Western Avenue.

Case No. ZA 2013-572(CUB)(CU): On September 12, 2013, the Zoning Administrator approved a Conditional Use to permit the continued sale and dispensing of beer and wine for on-site consumption within an existing restaurant with hours of operations to 2:00 a.m. located at 532 South Western Avenue.

Case No. ZA 2012-3341(CUB): On May 24, 2013, the Zoning Administrator approved a Conditional Use to permit the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant located at 545 South Western Avenue.

Case No. ZA 2012-1796(CUB)(CU) – On December 20, 2012, the Zoning Administrator approved, for a period of five years, a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a renovated 2,755 square-foot, 52-seat restaurant with three karaoke rooms for live entertainment and permit hours of operation from 11 a.m. to 2 a.m., daily, in lieu of the standard hours permitted for a Commercial Corner Development, in the C4-2 and R5P-2 Zones at 3869-3881 Wilshire Boulevard.

Case No. ZA 2011-3024(CUB) – On September 20, 2012, the Zoning Administrator approved a Conditional Use to permit the continued sale of a full line of alcoholic beverages for on-site consumption in an existing 8,181 square foot restaurant with seating for 250 patrons and hours of operation from 10:00 a.m. to 2:00 a.m., daily, located at 621 South Western Avenue.

Case No. ZA 2012-1572(CUB) – On October 11, 2012, the Zoning Administrator approved a Conditional Use to permit the sale of beer and wine for on-site consumption in a new 2,053 square-foot restaurant with seating for 64 patrons and hours of operation from 9:00 a.m. to midnight, daily.

Case No. ZA 2011-898(CUB): On October 11, 2011, the Zoning Administrator approved a Conditional Use to permit the sale of beer and wine for on-site consumption in conjunction with an existing restaurant located at 533 South Western Unit C.

Case No. ZA 2010-2085(CUB): On May 11, 2011, the Zoning Administrator approved a Conditional Use to permit the sale of beer and wine for a proposed restaurant located at 3785 West Wilshire Boulevard #218.

an existing 6,354 square-foot restaurant; patron dancing, live music and karaoke rooms, accommodating a maximum of 225 patrons and a variance to permit 50 off-site parking spaces through a lease agreement in lieu of the required recorded covenant (4001 W. 6th Street)

Department of Building and Safety Order to Comply Case No. 185473 – On August 20, 2008, the Department of Building and Safety issued an Order to Comply with a compliance date of September 4, 2008.

Building Permit No. 01016-10000-10064 – On August 21, 2001, the Department of Building and Safety issued a building permit for a change of use from night club to karaoke rooms and night club uses, include work on associated tenant improvement with partitions for new rooms (w/ max of 7 karaoke / music box rooms) and remove frt. Existing windows to convert 20'4" x 68'6" portion of (e) building to patio.

Certificate of Occupancy No. 01016-10000-10064 – On January 15, 2002, the Department of Building and Safety issued a Certificate of Occupancy to convert a portion of an existing night club to 7 karaoke / music box rooms, and convert 20.4-foot by 68.6-foot portion of the building to a covered patio.

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

Case No. ZA 2015-2656(CUB): On December 24, 2015, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a restaurant located at 601 South Western Avenue.

Case No. ZA 2014-2871(CUB): On August 7, 2015, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption in conjunction with a 16,750 square-foot market within a 73,209 square-foot enclosed shopping center in the C2-2 Zone, located at 621 South Western Avenue, #G-03.

Case No. ZA 2014-1846(CUB)(CU): On December 26, 2014, the Zoning Administrator approved a Conditional Use to permit the continued sale of beer and wine for on-site consumption in conjunction with an existing restaurant, with service on three outdoor dining patios, and two karaoke rooms with live entertainment, in the C2-1, and a Conditional Use to allow hours of operation for the interior portion of 8:00 a.m. to 3:00 a.m. daily, and outdoor sidewalk and outdoor patio hours of 8:00 a.m. 12:00 a.m. (midnight) daily, for a project located at 528 South Western Avenue.

Case No. ZA 2014-0305(CUB): On August 26, 2014, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine in conjunction with an existing restaurant located at 621 South Western Avenue Unit 302.

Case No. ZA 2013-307(CUB)(CU): On May 30, 2014, the Zoning Administrator approved a Conditional Use to permit the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant with live entertainment located at 524 South Western Avenue.

Development of 11:00 a.m. to 2:00 a.m. daily.

Per Zoning Administrator's Finding No. 1 of Case No. ZA 2010-0146(CUB)(CU), approved on December 2, 2010, an Order to Comply was issued by the Department of Building and Safety on August 20, 2008 regarding security, parking, gratuitous female companions and obscured karaoke windows. Of more serious concern was the fact that the location was the site of a murder which occurred in June, 2009 resulting from an argument which began inside the premises between two patrons and led to the fatal conclusion in the parking lot. During the hearing for Case No. ZA 2010-0146(CUB)(CU), a representative of the Police Department testified and referenced a letter in opposition to the request which had been submitted previously on behalf of his Department. He referenced the citations to the premises as well as concerns regarding B-girl activity which is made more attractive by the presence of dimmer lights. He noted that in 2007, the premises had been investigated for B-girl activity. He noted that the Department would like to see an 11 p.m. closing hour and that two security guards be on the premises.

Adjoining properties directly to the north are zoned R4-2 and developed with a three-story residential dwelling. Further to the north properties are also zoned R4-2 and developed with a three story apartment building.

Properties to the south across 6th Street is zoned C2-1 and is developed with a Union 76 gas station. Beyond that to the south is zoned R5-2 and developed with a multi-story residential dwelling.

Properties to the east across Manhattan Place are zoned C2-1 and R4-2 developed with a one-story Karaoke restaurant and a multi-story apartment building.

Adjoining properties to the west is zoned C2-1 and are developed with an Art Gallery. Further down 6th Street and across St. Andrews Place, properties are developed with a residential dwellings.

6th Street, adjoining the ownership to the south is a designated Secondary Highway, dedicated a width of 70 feet and improved with curb, gutter and sidewalk.

Manhattan Place, adjoining the ownership to the east is a Local Street, dedicated a width of 75 feet and improved with curb, gutter and sidewalk.

Previous zoning cases, permits and orders on the subject property:

Case No. ZA 2010-0146(CUB)(CU) – On November 17, 2010, the Zoning Administrator approved a conditional use to permit the continuation of the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant with karaoke located in the C2 and R4 Zones, and a conditional use to permit a deviation from the operating hours established by Section 12.22-A 23 of the Municipal Code for a Commercial Corner Development in the C2 and R4 Zones (4001 W. 6th Street)

Case No. ZA 2002-3607(CUB)(ZV) - On January 21, 2003, the Zoning Administrator approved the following: 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

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 Planning Staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application and the plans submitted therewith, all of which are by reference made a part hereof, as well as the public testimony presented at the hearing of May 10, 2016 and knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use under the provisions of Section 12.24-W, 1 and 12.24-W, 27 have not been established by the following facts:

BACKGROUND

The subject property is an approximately 12,864 square-foot irregular corner lot having a frontage of approximately 95 feet along 6th Street and approximately 116 feet along Manhattan Place. The property is located at the north-west corner of 6th Street and Manhattan Place. Other addresses on the subject property include: 4005 West 6th Street and 551 South Manhattan Place.

The northern portion of the subject property is zoned R4-2 with a High Medium Residential land use designation and the southern portion is zoned C2-1, with a Neighborhood Office Commercial land use designation. The lot is located within the Wilshire Community Plan Area, the Wilshire Center / Koreatown Redevelopment Project (ZI-1940) and Los Angeles State Enterprise Zone (ZI-2374).

The building on the subject property was built in 1941 and the lot includes 13 parking spaces directly to the east of the subject site. On November 17, 2010, per Case No. ZA 2010-0146(CUB)(CU) the subject site was granted a Conditional Use to permit the continuation of the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant with karaoke located in the C2 and R4 Zones. Per Certificate of Occupancy 01016-10000-10064, the established use of the subject site is nightclub / karaoke. The applicant has been informed that prior to the effectuation of this grant, a building permit to change the use from nightclub / karaoke to restaurant with 13 dining rooms will have to be obtained.

The subject request entails a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed 6,354 square-foot restaurant having 13 dining rooms with 134 interior seats, and a Conditional Use Permit to allow for the deviation from operating hours established by Section 12.22-A.23 of the Los Angeles Municipal Code for Commercial Corner

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 **AUGUST 18, 2016**, 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

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.

of the occupants shall be permitted. **Prior to the beginning of operations** a permit shall be obtained from the Department of Building and Safety for removal of existing partitions, booths and/or dining rooms.

35. No enclosed room, other than restrooms, intended for the use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
36. **Verification and Inspection Program.** At any time, before, during, or after operating hours, 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 used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be 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 therein, may result in denial of future requests to renew or extend this grant.
37. **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 \$25,000. 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

24. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
25. The exterior windows and glass doors of the restaurant shall be maintained substantially free of signs and other materials from the ground to at least six (6) feet in height above the ground so as to permit surveillance into the location by Police and/or private security. Updated photographic evidence shall be provided to the CCU **prior to the beginning of operations.**
26. 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. Signs shall be in English and in the predominant language of the facility's clientele. Photographic evidence shall be provided to the CCU **prior to effectuation of the grant.**
27. The applicant shall be responsible for maintaining the area adjacent to premises over which they have control, free of litter.
28. Any music, sound or noise including amplified or acoustic music 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.
29. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
30. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
31. Coin operated game machines, pool table or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
32. No piano bar, no juke box, no disc jockey, no video games and no form of live entertainment has been requested or approved herein.
33. Karaoke shall not be permitted.
34. Partitions, booths or dining rooms shall not be permitted. No obstructions within the interior space of the facility that restrict, limit or obstruct the clear observation

photographs of the device shall be provided to the CCU for inclusion in the case file.

19. **Prior to the effectuation of the grant**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages, in conjunction with the restaurant located at 4001 W. 6th Street, and agree to abide and comply with said conditions at all times.

20. A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.
21. **Prior to the effectuation of the grant**, a 24-hour "hot line" shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number 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, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department. Complaints shall be responded to within twenty four hours. The applicant shall provide photographs of the sign postings and a copy of the log to the CCU for inclusion in the Case File.

22. **Within the first six months of the effectuation of the grant**, all employees involved with the sale of beer and wine 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 to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2016-0932(CUB) from the Police Department to the Condition Compliance Unit as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
23. **Prior to the effectuation of the grant**, the applicant shall submit the restaurant's menu to document that the premises shall be maintained as a bona fide restaurant/café. Food service shall be available at all times during operating hours.

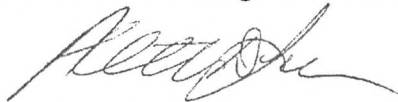
Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.

The proposed project only seeks an approval for on-site sales and dispensation of a full line of alcoholic beverages pursuant to an ABC Type 48 License. The proposed restaurant will be located in an existing structure. The instant request does not add to a detrimental concentration of commercial corner developments. No exterior construction will occur as a result of this grant.

ADDITIONAL MANDATORY FINDINGS

9. 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 of minimal flooding.
10. On March 17, 2016, the project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV-2016-0933-CE for a Categorical Exemption, Class 5, Category 34, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby adopt that action.

Inquiries regarding the matter shall be directed to Lisette Covarrubias, Planning Staff for the Office of Zoning Administration, (213)202-5439.



ALETA D. JAMES
Associate Zoning Administrator

ADJ:LC

cc: Councilmember, David Ryu
Fourth Council District