

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

| | | |
|---|--------------------------------|--|
| CITY PLANNING CASE: | ENVIRONMENTAL DOCUMENT: | COUNCIL DISTRICT: |
| ZA-2016-932-CUB | ENV-2016-933-CE | 4 - Ryu |
| PROJECT ADDRESS: | | |
| 4001 West 6 th Street | | |
| APPLICANT/REPRESENTATIVE: | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| Yoon Hee (Charles) Yeh, Aceplus, Inc Representative: Donna Bullock | 213-700-6233 | Yeh1114@gmail.com |
| <input type="checkbox"/> New/Changed | | |
| APPELLANT/REPRESENTATIVE: | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| N/A (245 by Council) | | |
| PLANNER CONTACT INFORMATION: | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| Aleta James | 213-202-5402 | Aleta.james@lacity.org |
| APPROVED PROJECT DESCRIPTION: | | |
| <p>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 to allow modified expansion operation hours.</p> | | |

COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)

1. **Found** that the project is Categorically Exempt, ENV-2016-933-CE, from environmental review, pursuant to Article III, and Section I, Class 5, Category 34, of the City of Los Angeles CEQA Guidelines.
2. **Granted** the appeal in part and **sustained** in part the Zoning Administrator's determination;
3. **Adopted** the attached Conditions of Approval and Exhibit A as modified by the Commission; and;
4. **Adopted** the attached Finding as amended by Commission.

ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:

CUB- Conditional Use Permit

FINAL ENTITLEMENTS NOT ADVANCING:

n/a

ITEMS APPEALED:

n/a

| ATTACHMENTS: | REVISED: | ENVIRONMENTAL CLEARANCE: | REVISED: |
|---|--------------------------|---|--------------------------|
| <input checked="" type="checkbox"/> Letter of Determination | <input type="checkbox"/> | <input checked="" type="checkbox"/> Categorical Exemption | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Findings of Fact | <input type="checkbox"/> | <input type="checkbox"/> Negative Declaration | <input type="checkbox"/> |
| <input type="checkbox"/> Staff Recommendation Report | <input type="checkbox"/> | <input type="checkbox"/> Mitigated Negative Declaration | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Conditions of Approval | <input type="checkbox"/> | <input type="checkbox"/> Environmental Impact Report | <input type="checkbox"/> |
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> | <input type="checkbox"/> Mitigation Monitoring Program | <input type="checkbox"/> |
| <input type="checkbox"/> Zone Change Map | <input type="checkbox"/> | <input type="checkbox"/> Other _____ | <input type="checkbox"/> |
| <input type="checkbox"/> GPA Resolution | <input type="checkbox"/> | | |
| <input type="checkbox"/> Land Use Map | <input type="checkbox"/> | | |
| <input type="checkbox"/> Exhibit A - Site Plan | <input type="checkbox"/> | | |
| <input checked="" type="checkbox"/> Mailing List | <input type="checkbox"/> | | |
| <input type="checkbox"/> Land Use | <input type="checkbox"/> | | |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> | | |

NOTES / INSTRUCTION(S):**FISCAL IMPACT STATEMENT:** **Yes** **No**

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION: **City Planning Commission (CPC)** **Cultural Heritage Commission (CHC)** **Central Area Planning Commission** **East LA Area Planning Commission** **Harbor Area Planning Commission** **North Valley Area Planning Commission** **South LA Area Planning Commission** **South Valley Area Planning Commission** **West LA Area Planning Commission****PLANNING COMMISSION HEARING DATE:**

November 29, 2016

COMMISSION VOTE:

4 - 0

LAST DAY TO APPEAL:

N/A

APPEALED:

N/A

TRANSMITTED BY:

Rocky Wiles

TRANSMITTAL DATE:

February 1, 2017



CENTRAL LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JAN 18 2017

Case No.: ZA-2016-932-CUB

CEQA: ENV-2016-933-CE

Plan Area: Wilshire

Council District: 4 - Ryu

Project Site: 4001 West 6th Street

Applicant: Yoon Hee (Charles) Yeh, Aceplus, Inc
Representative: Donna Bullock

Appellant No. 1: Yoon Hee (Charles) Yeh, Aceplus, Inc
Representative: Donna Bullock

Appellant No. 2: Peter Park, Christian Total Ethos of California

At its meeting of **November 29, 2016**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

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 to allow modified expansion operation hours.

1. **Found** that the project is Categorically Exempt, ENV-2016-933-CE, from environmental review, pursuant to Article III, and Section I, Class 5, Category 34, of the City of Los Angeles CEQA Guidelines.
2. **Granted** the appeal in part and **sustained** in part the Zoning Administrator's determination;
3. **Adopted** the attached Conditions of Approval and Exhibit A as modified by the Commission; and;
4. **Adopted** the attached Finding as amended by Commission.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Brogdon
Seconded: Chung Kim
Ayes: DelGado, and Oh
Absent: Chemerinsky

Vote: 4 - 0

Effective Date/Appeal Status: The decision of the Central Los Angeles Area Planning Commission is final upon the date of this determination letter, and it is not further appealable.



Renee Glasco, Commission Executive Assistant I
Central Los Angeles Area Planning Commission

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

Attachments: Modified Conditions of Approval, Amended Findings Exhibit A
c: Aleta James, Associate Zoning Administrator

CONDITIONS OF APPROVAL

(As Modified by the Central Area Planning Commission on November 29, 2016)

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 from 11:00 a.m. to 12:00 a.m. Sunday through Wednesday and 11:00 a.m. to 2:00 a.m. Thursday through Saturday.
 - 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 signs/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 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.
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, a maximum of four (4) private dining rooms and allowing up to five other rooms for back-up house use shall be permitted within the establishment subject to the following: No obstructions within the interior space of the facility that restrict, limit or obstruct the clear observation of the occupants shall be permitted. Partitions and/or booths shall not exceed a maximum of 54-inches in height. **Prior to the beginning of operations** a permit shall be obtained from the Department of Building and Safety for removal of dining rooms in excess of a maximum of four (4) as approved.
 - a. Four (4) private dining rooms shall range in size from 150 square feet to 485 square feet.
 - b. Total indoor seats including private dining room seats shall be limited to approximately 134 seats provided that the number of seats does not exceed the maximum allowable by the Department of Building and Safety.
 - c. Four (4) private dining rooms, wall assembly, glass panes, construction materials and structural support shall be approved by the Department of Building and Safety.
 - d. Walls shall be permanently fixed and structurally supported. Movable partitions are not allowed.
 - e. All doors and windows to private dining rooms shall be constructed in such a manner as to have at least one clear glass window in the upper portion of said door or wall which measures not less than 26 inches wide by 54 inches in height.
 - f. Glass panes shall be tempered and identified by the manufacture's designation that is required for safety glazing. Each pane shall bear the manufacture's mark designating the type and thickness of the glass or glazing material. The identification shall not be omitted and shall comply with LAMC 2406.3 for safety glazing.
 - g. No frosting and/or etching of any glass of the door nor windows shall be allowed.
 - h. No locking hardware of any kind shall be installed on any door to a private dining room. Doors shall remain unlocked and unobstructed at all times. Door locks, locking chains, deadbolts, door stops or similar devices are prohibited.

- i. All glass panes into private dining rooms, including glass panes in doors, shall remain unobstructed at all times.
 - j. The lighting in private dining rooms shall not be equipped with dimmers. Each private dining room shall be lit by at least one light source measuring the equivalent of 60 watts or more for every 100 square feet of floor area.
 - k. Private dining rooms shall not contain refrigeration units of any type.
 - l. No physical obstructions including but not limited to planters, partitions or item of décor shall be placed, attached, fastened or connected in a manner to any section of the wall, door or ceiling which would obstruct the view of any portion of the room or which would cover any portion of the glass within the door or wall.
 - m. Said obstructions/partitions other than clear glass shall not exceed 54 inches in height, such as monitors, television, booths, chairs etc., and shall not block any window in the private dining room.
 - n. No private dining room shall have direct access to another private dining room at any time.
 - o. Restrooms shall not be available inside any private dining room or attached with any direct access to any private dining room. A wardrobe/closet may be utilized so long as there are no doors or coverings to the wardrobe/closet. Racks or shelving for clothing (i.e. jackets, hats, etc.) may be attached to the walls.
 - p. In every private dining room, "No Smoking" signs shall be prominently posted in English, Korean and any other predominant language of the clientele. No ashtrays are permitted.
35. No enclosed room, other than restrooms and four (4) private dining rooms, intended for the use by patrons or customers 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 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.

38. One security guard shall be on the premises at all hours of operation from opening until one hour after closing, daily. A second security guard on the premises from 7:30 p.m. until one hour after closing shall be provided on Friday and Saturday.

The guards shall have the following qualifications and responsibilities:

- a. The security guards shall have a State guard license and shall wear a uniform.
- b. The guards shall at all times patrol the interior and exterior of the facility.
- c. The guards shall not conduct any other activities while employed at the premises other than those of a security guard and shall be employed exclusively by the applicant and not perform any security duties for any other surrounding businesses.
- d. The security guards shall maintain order and prevent activity that would interfere with the quiet enjoyment of the surrounding properties and the owners, tenants and visitors of those properties.
- e. The guards shall be responsible for preventing loitering and any criminal activity on and around the subject premises including public drinking, preventing any bar girls or doumi girls from entering the premises, littering, trespassing, transactions involving controlled substances, and any other illegal and public nuisance activities.
- f. Prior to the utilization of this grant, evidence of compliance with this condition such as a copy of a security contract showing hours of security service, etc., shall be submitted to the file. The contract shall be maintained for the life of the grant and shall include the minimum security service

requirements as required by the conditions of this grant. If the security contract is replaced, a copy of the replacement contract shall be provided to the Zoning Administrator upon execution of the new contract.

39. Landscape Plan. Prior to clearance sign-off by the Planning Department Development Services Center, the applicant shall submit the landscape plan to the representative Council District for their consideration; a copy of any comments regarding the landscape plan shall be forwarded by the Council District office to the DSC for inclusion in the administrative case file. The DSC shall consider any modifications proposed by the Council District and may modify the plans to the extent feasible.

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 Area Planning Commission 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 Area Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Area Planning Commission 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 Area Planning Commission 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 licensee's 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.
- 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 "doumi" 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.

FINDINGS

(As Amended by the Central Area Planning Commission on November 29, 2016)

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 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.

At the public hearing before the Zoning Administrator, it was determined that 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 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.

On November 2, 2016 Central Area Planning Commission considered and appeal of the Zoning Administrator's decision by the applicant of four conditions. Conditions related to submittal of an approved Building and Safety floor plan within 30 days of approval (Cond. No. 13), no form of live entertainment is permitted (Cond. No. 32), partitions, booths or dining rooms shall not be permitted (Cond. No. 34) and no private dining room with a separate access door shall be permitted (Cond. No. 34). Also considered was an appeal of the entire Zoning Administrator's decision by an aggrieved party. At the Commission meeting a new operator of the business was introduced. The new operator is proposing a bona fide restaurant with seven approved private dining rooms with a request for two additional rooms. No live entertainment is requested and reduced hours of operation of 11:00 a.m. to 2:00 a.m. daily to Sunday through Wednesday 11:00 a.m. to 12:00 a.m. and Thursday through Saturday 11:00 a.m. to 2:00 a.m.; On November 29, 2016 the Central Area Planning Commission continued the public hearing of November 2, 2016 with the new operator. The Commission amended Conditions as set forth by

the Zoning Administrator to include approval for the use of private dining rooms with the maximum number not to exceed four (4) ranging in size from 150 square feet to 485 square feet; allowance for up to five other rooms for back-up house use, permit partitions and booths with a maximum height not to exceed 54-inches, require one licensed security guard on-site daily until one hour after closing and two guards on-site Friday and Saturday until one hour after closing and a landscape plan for consideration by the Council District Office.

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, a State licensed security guard assigned to monitor the site daily at all hours of the operation and a second guard on-site Friday and Saturday from 7:30 p.m. until one hour after closing 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.

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, before the Zoning Administrator 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 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 grant has been conditioned to include a landscape plan. With the site properly landscaped and a maintenance program in place, loitering, litter, graffiti, and potential for illegal activities will be addressed. Therefore, the use will not further degrade adjacent properties. 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.

The original Zoning Administrator's grant incorporates a number of conditions that have been imposed upon the use, many of which have been also addressed by the Police Department and the applicant and further modified by this action of the Central Area Planning Commission. Compliance with all of the conditions will insure that the establishment remains compatible with the surrounding use and that it does not adversely affect or degrade the surrounding neighborhood and public health, welfare and safety.

The hours of operation are from 11:00 a.m. to 12:00 a.m., Sunday through Wednesday and 11:00 a.m. to 2:00 a.m., Thursday through Saturday. The hours of operation are considered consistent with typical bona fide restaurants in the neighborhood and allow the use to remain competitive in providing a service. A reduction in the number of private rooms from seven (7) previously approved to four (4) and strict design guidelines will allow for close monitoring and control of the private dining rooms while enhancing the private dining experience. The addition of State licensed security guards on-site assigned to monitor both the interior and exterior of the site will ensure the use of private dining rooms will contribute to the private dining experience while ensuring the public health, welfare and safety are provided for.

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.

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 43 9 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. As determined by the Central Area Planning Commission on November 29, 2016, all individual dining rooms with the exception of four (4) approved private dining rooms identified on revised floor plans ranging in size from 150 square feet to 485 square feet and the allowance of up to five other rooms for back-up house use 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 original Zoning Administrator's determination 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 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
- 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
- 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.**

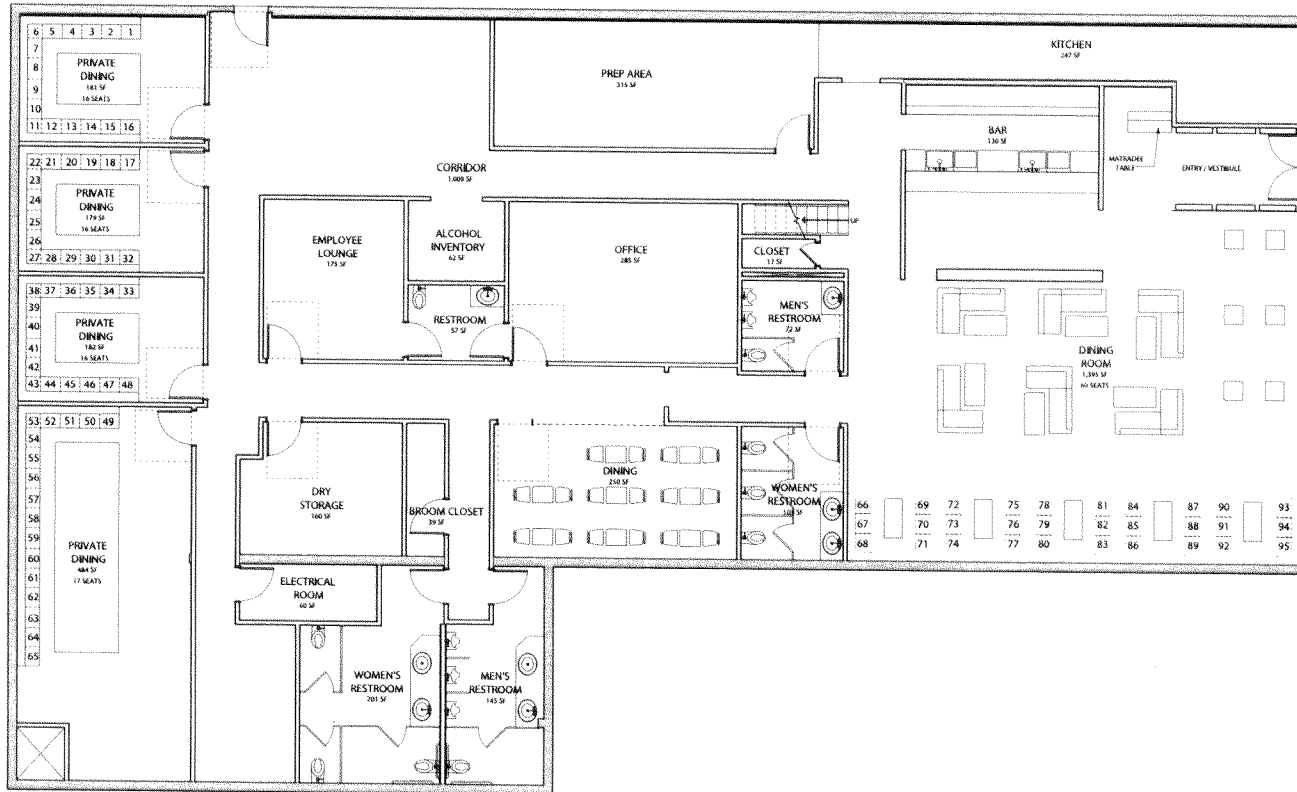
As conditioned, a closing time of 12:00 a.m. Sunday through Wednesday and 2:00 a.m. Thursday through Saturday will not cause or constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets as this is well beyond any peak traffic hour. 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-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.



DARK GREY DESIGN

220 Gloucester Rd.,
Wan Chai, Hong Kong

HOURLASS

4001 W 6th St.
Los Angeles, CA 90020

PROPOSED FLOORPLAN

Date APRIL 20, 2015

Designed By Author
Checker

Scale 1/4" = 1'-0"

EXHIBIT A
AS MODIFIED
BY THE APCC
ON 11-29-16 RW

12/20/2015 11:48:11 AM