



**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: ENV 2016-2549 (MND)

Project Address: 520 North La Brea Avenue

Final Date to Appeal: \_\_\_\_\_

- 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): Rabbi Berish Goldenberg

Company: Yeshivath Torath Emeth Academy

Mailing Address: 540 North La Brea Avenue

City: Los Angeles State: CA Zip: 90036

Telephone: (323) 549-3170 E-mail: \_\_\_\_\_

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

- Self
- Other: Yeshivath Torath Emeth Academy

- Is the appeal being filed to support the original applicant's position?  Yes  No

**3. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): George Mihalsten Esq. / David Thompson

Company: Latham & Watkins LLP

Mailing Address: 355 South Grand Avenue, Suite 100

City: Los Angeles State: CA Zip: 90071

Telephone: (213) 485-1234 E-mail: george.mihalsten@lw.com / david.thompson@lw.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

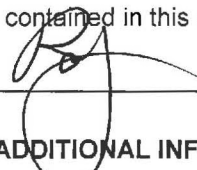
If Yes, list the condition number(s) here: \_\_\_\_\_

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

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- 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: 3-1-18

**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>\$ 89<sup>00</sup></u>	Reviewed & Accepted by (DSC Planner): <u>E. Macedo</u>	Date: <u>3/20/18</u>
Receipt No: <u>0104865569</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)



## CEQA CASE APPEAL STATEMENT

CEQA Case No: ENV 2016-2549-MND  
Related Case No: ZA 2016-2548(CUB)(CUX)

Project: The Lyric Theater – Mitigated Negative Declaration (MND) for Nightclub  
520, 520½, 522 North La Brea Avenue

### Appeal Statement

Pursuant to Public Resources Code section 21151(c) and California Code of Regulations, title 14, section 15074(f), Appellant Yeshivath Torath Emeth Academy appeals the Central Area Planning Commission's adoption of the Initial Study/Mitigated Negative Declaration (MND) for the Lyric Theater Project. The Central Area Planning Commission disregarded substantial evidence in the record in its decision to adopt the MND to allow the Lyric Theater ("Lyric") located at 520, 520½, 522 North La Brea Avenue to operate as a concert venue, nightclub and theater. The Lyric intends to sell and serve alcohol for on-site consumption with dancing in the midst of orthodox Jewish schools (children ages 4-17), synagogues, a senior assisted living facility, and a senior nursing home and rehabilitation facility. In total, there are at least 13 sensitive uses within 1,000 feet of the Lyric.

The concerned parents, residents, rabbis, and business owners in this predominantly orthodox Jewish community that live, worship, and work in the area submitted a petition signed by approximately 700 members of the community expressing their concern with the proposed nightclub and concert venue. The case file documents that the following sensitive uses are located on the same block well within 500 feet of the Lyric: Yeshivath Torath Emeth Academy (school with over 1,000 children ages 4-17), Jewish Learning Exchange (a synagogue), City View (seniors residences and assisted living), and La Brea Rehabilitation Center (nursing home and rehabilitation). Other sensitive uses within 1,000 feet of the proposed nightclub include single and multi-family residences, Bnos Devorah High School, Congregation Kollel Yechiel Yehuda, Bais Yaakov School for Girls, Bikur Cholim House, Congregation Levi Yizchok, and the Al & Hedi Azuz child and family services.

Furthermore, there is a clear over concentration of alcohol within the area. The Associate Zoning Administrator documented that there are 13 on-site and 3 off-site ABC alcohol licenses in the census tract exceeding the ABC's licensing criteria of 2 on-site and 1 off-site licenses in the subject census tract (Census Tract 1919.02). The Associate Zoning Administrator also documents that in 2015 the 221 reported crimes in the Crime Reporting District No. 706 exceeded both the citywide average of 181 crimes and the high-crime reporting district of 217 crimes. The addition of a seven-day-a week concert venue and nightclub open until 2:00 a.m. discharging upwards of 300 people in this area of sensitive uses would likely increase the need for police services and potentially increase crime in the area.

Substantial evidence in the record supports a fair argument that the Lyric project may have a significant effect on the environment, and thus an environmental impact report (EIR) must be prepared before the City can take any action to approve the project. Under the California Environmental Quality Act (CEQA), "significant effect upon the environment" is defined as "a

**CEQA Case No: ENV 2016-2549-MND  
APPEAL STATEMENT**

environmental impact area, the Lyric would result in “No Impact.” But the MND states that a “‘No Impact’ answer is adequately supported if the referenced information sources *show that the impact simply does not apply to projects like the one involved* (e.g., the project falls outside a fault rupture zone). A ‘No Impact’ answer *should be explained where it is based on project-specific factors as well as general standards* (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).” (MND, p. 5 of 34 [emphasis added].) The MND does not meet these evaluation standards. Many of the potential environmental impact areas listed in the Initial Study Checklist *do* apply to the Lyric (including, but not limited to, Aesthetics, Air Quality [Odors], Land Use & Planning, Transportation & Traffic, and Mandatory Findings of Significance). These impact areas should have been analyzed in far greater detail than provided in the MND, and appropriate conclusions reached with respect to the potential significance of the impact. To that end, as described further below, the record demonstrates that because there is a reasonable probability that the Lyric could result in a significant impact, an EIR must be prepared.<sup>1</sup>

**Noise**

Noise is an important planning and environmental issue of concern in the City of Los Angeles. Objective 2 (non-airport) of the Noise Element of the City’s General Plan is to “[r]educe or eliminate non-airport related intrusive noise, especially relative to noise-sensitive uses” and Policy 2.1 is to “[e]nforce and/or implement applicable City, State, and federal regulations intended to mitigate proposed noise producing activities, reduce intrusive noise and alleviate noise that is deemed a public nuisance.”

The MND fails to fully and accurately study Lyric’s noise impacts on the community. Indeed, the MND contains several errors, fails to include mitigation measures where required, and ignores potentially significant impacts on the neighboring community. In particular, under Impact Nos. XII.a. and XII.c.,<sup>2</sup> the MND concludes that such impacts would be less than significant, but then states in the explanation of such impacts that “mitigation measures have been included to reduce impacts to less than significant levels.” (MND, p. 27 of 34.) More specifically, under Impact XII.a., the MND states that mitigation measures have been included “[g]iven the potential to impact neighboring sensitive uses.” And under Impact XII.c., the MND states that the Lyric will result in the increase of ambient noise levels in the project vicinity, that excessive noise may occur, and that mitigation measures have been included “[g]iven the potential to impact neighboring sensitive uses.” Even though the MND admits that there would be potentially significant noise impacts on neighboring sensitive uses, ***in reality the MND does not contain ANY mitigation measures to address potentially significant noise impacts.*** This is a major legal deficiency in the

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<sup>1</sup> ***Appellant reserves the right to supplement this appeal statement with further evidence and argument.***

<sup>2</sup> Impact No. XII.a. asks whether the project would result in “[e]xposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.” Impact No. XII.c. asks whether the project would result in “[a] substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.”



**CEQA Case No: ENV 2016-2549-MND  
APPEAL STATEMENT**

MND deficient in its analysis, this evidence obligates the City to prepare an EIR to evaluate the potential impact in further detail.

Furthermore, Los Angeles Municipal Code Section 116.01 expressly states, “notwithstanding any other provisions of [Los Angeles Municipal Code chapter XI] and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise *which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.* The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (a) The level of noise;
- (b) Whether the nature of the noise is usual or unusual;
- (c) Whether the origin of the noise is natural or unnatural;
- (d) The level and intensity of the background noise, if any;
- (e) *The proximity of the noise to residential sleeping facilities;***
- (f) The nature and zoning of the area within which the noise emanates;
- (g) The density of the inhabitation of the area within which the noise emanates;
- (h) *The time of the day and night the noise occurs;***
- (i) The duration of the noise;
- (j) Whether the noise is recurrent, intermittent, or constant; and
- (k) Whether the noise is produced by a commercial or noncommercial activity.”

People leaving concerts and nightclubs after 10:00 p.m. are often loud and disruptive as they leave such venues. Even with security personnel at the door, once patrons are away from the Lyric there will be no one or any means to prevent patrons walking into or through the neighborhood from being disruptive and causing intrusive noise that will be a public nuisance to the sensitive uses in the immediate vicinity of the Lyric. Disruptions to the peace and quiet of the residential neighborhoods in the vicinity of the Lyric seven nights a week will be a significant impact.

***Land Use Compatibility***

The MND states: “A significant impact would occur if the proposed project physically divided an established community. The project would not create a physical barrier with an established community. Therefore, no impact would occur.” (MND, p. 25 of 34.) This analysis finds no support in the record and fails to comply with CEQA.

The MND fails to accurately study the significant land use compatibility impacts that would result from the establishment of a concert venue and nightclub within the midst of several sensitive uses surrounding the project site. Under the Thresholds Guide, CEQA documents are to address the potential for projects to create situations of incompatibility between land uses or activities. The Thresholds Guide states:

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a result of the Lyric project. If a new nightclub surrounded by existing sensitive uses on every side does not create a significant land use compatibility impact, such an impact could never be possible, and that would yield an absurd result, which the law disfavors. CEQA requires more than what the City did in this instance. An EIR needs to be prepared to study and mitigate the Lyric's potential land use compatibility impacts in further detail.

***Parking***

It is also important to note that the Lyric has not one parking space on site. The project applicants acknowledge in their application and the case file confirms that the Lyric has no on-site parking and no off-street parking is proposed for its patrons. There are no public parking lots or structures within the vicinity of the Lyric. With up to 318 people at any one time within the Lyric with potentially a greater number of people patronizing the venue throughout any given night, the parking in the vicinity of the Lyric will be significantly impacted on many days and nights. The MND fails to examine parking impacts. See the attached letter from Gibson Transportation Consulting.

***Neighborhood Intrusion Impacts***

The Thresholds Guide recognizes that traffic generated by a project may result in neighborhood intrusion impacts; or, in other words, impacts resulting from project traffic shifting to local streets in residential neighborhoods. (Thresholds Guide, Page L.4-1.) The MND entirely ignored the likelihood that the Lyric project will result in such impacts. Under the Threshold Guide, if a project generates more than 120 daily vehicle trips to a local residential street, further study is necessary. Here, as explained in the attached letter from Gibson Transportation Consulting, the Lyric project could result in an additional 150-200 vehicle trips from a sold out performance. Because of the project's lack of parking, the parking demand for such vehicle trips would spill into the adjacent residential neighborhoods, including the residential neighborhood directly east of the Lyric, which is the closest to the venue. The MND should have studied this issue in further detail instead of ignoring it, and conducted the analysis required under the Thresholds Guide. (See Thresholds Guide, Pages L.4-2 to L.4-4.) The MND's failure to do so violated CEQA.

***Odors***

The Thresholds Guide asks whether a project has "the potential to create . . . an objectionable odor . . . that could impact sensitive receptors." The MND fails to examine potential odor impacts to sensitive users such as children, worshipers, and residents that will occur with over 300 people making their way to and from the Lyric. With the legalization of marijuana, there is a significantly increased prospect that children, worshipers, and residents walking to and from schools, synagogues, and their homes will be exposed to marijuana smoke and other odor nuisances created by nightclub patrons. This issue needed to be further studied in the MND.

***Urban Decay/Blight***

Members of the orthodox Jewish community that surround the project site walk during the day, the evening and night. There frequently are afternoon, early evening and nighttime events at the adjacent schools, and study and worship at the synagogues often extend well into the night.





March 19, 2018

Council President Wesson and Honorable Councilmembers  
Los Angeles City Council  
200 North Spring Street  
Los Angeles California 90012

RE: Appeal of MND for Nightclub, Case No. ENV 2016-2549-MND  
The Lyric Theater  
520, 520 ½, 522 N. La Brea Avenue  
Los Angeles, California

Dear Council President Wesson and Honorable Councilmembers:

I am President of Gibson Transportation Consulting, Inc., a firm that provides traffic engineering, transportation planning, and parking consulting services to public and private sector clients in Southern California and throughout the western United States. I have 49 years of experience in transportation and parking consulting for large developments and for municipalities. I am registered as a Professional Engineer in both Civil Engineering and Traffic Engineering by the State of California, hold a national registration as a Professional Traffic Operations Engineer, and I am a Fellow of the Institute of Transportation Engineers.

This letter, which I submit in support of the appeal of the mitigated negative declaration (MND) for the Lyric Theater project, is based on decades of experience as a transportation engineer, and my familiarity with traffic and parking patterns and behaviors in Los Angeles through my work on dozens of proposed development projects. The Lyric Theater project recently received approval from the Central Area Planning Commission for alcohol and dancing conditional use permits (CUP) (as well as adoption of the MND) to allow the venue to operate as a nightclub and concert venue. This approval seems ill-advised given the venue's impact on the adjacent neighborhoods, which will certainly increase as a result of the expanded operations allowed by the recently approved CUPs.

The MND states that the Lyric Theater can hold up to 318 patrons for a concert or performance. At a average auto occupancy of 1.5 to 2.0 people per car, approximately 150-200 cars will approach the venue for a sold-out performance. The problem with this scenario is that the venue has no on-site parking supply. As expected, and confirmed by social media and testimony at the Central Area Planning Commission, the parking demand created by the venue simply spills into the single and multi-family residential neighborhoods that are directly adjacent to the venue.

The Lyric project proposes to accommodate this parking demand through the use of an off-site valet parking service, but there are multiple problems with this scenario:

1. The adjacent neighborhood, with commercial and institutional (schools, synagogues, etc.) uses along La Brea, and residential uses both east and west



- off-site parking supply with leases in place,
- valet staffing plan,
- authorization from the Los Angeles Department of Transportation to utilize on-street metered spaces,
- a valet parking fee structure,
- plan for rideshare pick-up/drop off locations,
- financial penalties for neighborhood parking, and
- annual monitoring program.

I would be happy to answer any questions on any of the points above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Patrick A. Gibson', with a long, sweeping horizontal line extending to the right.

Patrick A Gibson, P.E., PTOE  
President



CITY OF LOS ANGELES  
 OFFICE OF THE CITY CLERK  
 ROOM 395, CITY HALL  
 LOS ANGELES, CALIFORNIA 90012  
 CALIFORNIA ENVIRONMENTAL QUALITY ACT  
**PROPOSED MITIGATED NEGATIVE DECLARATION**

<b>LEAD CITY AGENCY</b> City of Los Angeles	<b>COUNCIL DISTRICT</b> CD 5 - PAUL KORETZ
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<b>PROJECT TITLE</b> ENV-2016-2549-MND	<b>CASE NO.</b> ZA-2016-2548-CUB-CUX
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**PROJECT LOCATION**  
520 N LA BREA AVE

**PROJECT DESCRIPTION**  
A Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing in conjunction with a 3,516 square-foot theater with live entertainment with 128 seats, with hours of operation from 10:00 a.m. to 2:00 a.m., daily.

**NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY**  
Dorothy M. Braun, Dorothy M. Braun Trust  
520 North La Brea Avenue

**FINDING:**  
The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitigation measure(s) outlined on the attached page(s) will reduce any potential significant adverse effects to a level of insignificance  
 (CONTINUED ON PAGE 2)

**SEE ATTACHED SHEET(S) FOR ANY MITIGATION MEASURES IMPOSED.**

Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt the mitigated negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.

**THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.**

NAME OF PERSON PREPARING THIS FORM	TITLE	TELEPHONE NUMBER
CHI LIM	City Planning Assistant	(213) 202-5441

ADDRESS	SIGNATURE (Official)	DATE
200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012	<i>Mariana P. Valdivia</i>	9/1/2016.

**XIV-30. Public Services (Police)**

- Environmental impacts may result from project implementation due to the location of the project in an area having marginal police services. However, this potential impact will be mitigated to a less than significant level by the following measure:
- The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.



**CITY OF LOS ANGELES**  
OFFICE OF THE CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CALIFORNIA 90012  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**INITIAL STUDY**  
**and CHECKLIST**  
(CEQA Guidelines Section 15063)

<b>LEAD CITY AGENCY:</b> City of Los Angeles	<b>COUNCIL DISTRICT:</b> CD 5 - PAUL KORETZ	<b>DATE:</b> 08/31/2016
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**RESPONSIBLE AGENCIES:** Department of City Planning

<b>ENVIRONMENTAL CASE:</b> ENV-2016-2549-MND	<b>RELATED CASES:</b> ZA-2016-2548-CUB-CUX
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<b>PREVIOUS ACTIONS CASE NO.:</b>	<input type="checkbox"/> Does have significant changes from previous actions. <input type="checkbox"/> Does NOT have significant changes from previous actions
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**PROJECT DESCRIPTION:**  
A CONDITIONAL USE PERMIT FOR THE SALE AND DISPENSING OF A FULL LINE OF ALCOHOLIC BEVERAGES AND PUBLIC DANCING IN A PROPOSED 3516SF THEATER

**ENV PROJECT DESCRIPTION:**  
A Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing in conjunction with a 3,516 square-foot theater with live entertainment with 128 seats, with hours of operation from 10:00 a.m. to 2:00 a.m., daily.

**ENVIRONMENTAL SETTINGS:**  
The subject property is a 4,200 square-foot rectangular interior lot having a frontage of approximately 40 feet along the east side of La Brea Avenue. Other addresses included on the subject property include 522 North La Brea Avenue and 520 ½ North La Brea Avenue. The subject property is zoned C4-1VL with a Neighborhood Office Commercial land use designation within the Hollywood Community Plan Area. The project is also located within a Neighborhood Conservation ICO (ZI-2443), a Transit Priority Area in the City of Los Angeles (ZI-2452), and a Los Angeles State Enterprise Zone (ZI-2374).

The subject property is developed with a single story 3,516 square-foot Art School as established by a Certificate of Occupancy issued on January 27, 1958. The subject site has been operating as the Lyric Theatre since 2007.

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 and patron dancing in conjunction with a 3,516 square-foot theater with live entertainment with 128 seats, having hours of operation are from 10:00 a.m. to 2:00 a.m. daily. The subject site is currently in plan check to undergo a Change of Use from the currently permitted Art School to a theater use (Permit No. 16016-10000-00733).

Properties to the north of the subject site are zoned C4-1VL and are developed with a range of one to two story commercial buildings that house a variety of retail and restaurant uses. At the end of the block to the north, properties are zoned C4-1VI and are developed with a Jewish school.

Properties to the south of the subject site are zoned C4-1VL and are similarly developed with a range of one to two story commercial buildings, with various commercial uses. Further south, properties are zoned (T)(Q)RAS4-1VL and are developed with commercial uses and a large furniture store.

Properties to the east of the subject site, across the alley, are zoned RD1.5-1XL, and are developed with a four story multi-residential building.

Properties to the west of the subject site, across North La Brea Avenue, are zoned C4-1VL and are developed with a five story senior residential facility.

La Brea Avenue, adjoining the subject site to the west, is designated as a Modified Avenue I, dedicated to a varying width of 100 feet to 102 feet and improved with curb, gutter and sidewalk.

The alley, adjoining the subject site to the east, has a width of 20 feet and is paved.

<b>PROJECT LOCATION:</b> 520 N LA BREA AVE		
<b>COMMUNITY PLAN AREA:</b> HOLLYWOOD <b>STATUS:</b>  <input checked="" type="checkbox"/> Does Conform to Plan <input type="checkbox"/> Does NOT Conform to Plan	<b>AREA PLANNING COMMISSION:</b> CENTRAL	<b>CERTIFIED NEIGHBORHOOD COUNCIL:</b> GREATER WILSHIRE
<b>EXISTING ZONING:</b> C4-1VL	<b>MAX. DENSITY/INTENSITY ALLOWED BY ZONING:</b>	<b>LA River Adjacent:</b>
<b>GENERAL PLAN LAND USE:</b> NEIGHBORHOOD OFFICE COMMERCIAL	<b>MAX. DENSITY/INTENSITY ALLOWED BY PLAN DESIGNATION:</b>	
	<b>PROPOSED PROJECT DENSITY:</b>	



## Determination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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City Planning Assistant

(213) 202-5441

Signature

Title

Phone

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### Evaluation Of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
  - a. **Earlier Analysis Used.** Identify and state where they are available for review.
  - b. **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

## Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> AESTHETICS	<input type="checkbox"/> GREEN HOUSE GAS EMISSIONS	<input type="checkbox"/> POPULATION AND HOUSING
<input type="checkbox"/> AGRICULTURE AND FOREST RESOURCES	<input type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS	<input checked="" type="checkbox"/> PUBLIC SERVICES
<input type="checkbox"/> AIR QUALITY	<input type="checkbox"/> HYDROLOGY AND WATER QUALITY	<input type="checkbox"/> RECREATION
<input type="checkbox"/> BIOLOGICAL RESOURCES	<input type="checkbox"/> LAND USE AND PLANNING	<input type="checkbox"/> TRANSPORTATION/TRAFFIC
<input type="checkbox"/> CULTURAL RESOURCES	<input type="checkbox"/> MINERAL RESOURCES	<input type="checkbox"/> UTILITIES AND SERVICE SYSTEMS
<input type="checkbox"/> GEOLOGY AND SOILS	<input type="checkbox"/> NOISE	<input type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE

## INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)

### *Background*

**PROPONENT NAME:**

Dorothy M. Braun, Dorothy M. Braun Trust

**PHONE NUMBER:**

(626) 818-1913

**APPLICANT ADDRESS:**

520 North La Brea Avenue

**DATE SUBMITTED:**

07/19/2016

**AGENCY REQUIRING CHECKLIST:**

Department of City Planning

**PROPOSAL NAME (if Applicable):**



Potentially significant impact	Less than significant with mitigation incorporated	Less than significant impact	No impact
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<b>I. AESTHETICS</b>				
a.	Have a substantial adverse effect on a scenic vista?			✓
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			✓
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			✓
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓
<b>II. AGRICULTURE AND FOREST RESOURCES</b>				
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?			✓
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?			✓
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			✓
d.	Result in the loss of forest land or conversion of forest land to non-forest use?			✓
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			✓
<b>III. AIR QUALITY</b>				
a.	Conflict with or obstruct implementation of the applicable air quality plan?			✓
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			✓
d.	Expose sensitive receptors to substantial pollutant concentrations?			✓
e.	Create objectionable odors affecting a substantial number of people?			✓
<b>IV. BIOLOGICAL RESOURCES</b>				
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			✓
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			✓
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			✓
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			✓
<b>V. CULTURAL RESOURCES</b>				

Potentially significant impact	Less than significant with mitigation incorporated	Less than significant impact	No impact
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a.	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				✓
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				✓
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d.	Disturb any human remains, including those interred outside of formal cemeteries?				✓
e.	Cause a substantial adverse change in the significance of a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe that is listed or determined eligible for listing on the California register of historical resources, listed on a local historical register, or otherwise determined by the lead agency to be a tribal cultural resource?				✓

**VI. GEOLOGY AND SOILS**

a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓
b.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?				✓
c.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?				✓
d.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?				✓
e.	Result in substantial soil erosion or the loss of topsoil?				✓
f.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓
g.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
h.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓

**VII. GREEN HOUSE GAS EMISSIONS**

a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				✓
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✓

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓

Potentially significant impact	Less than significant with mitigation incorporated	Less than significant impact	No Impact
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e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓

#### IX. HYDROLOGY AND WATER QUALITY

a.	Violate any water quality standards or waste discharge requirements?				✓
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				✓
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				✓
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				✓
f.	Otherwise substantially degrade water quality?				✓
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j.	Inundation by seiche, tsunami, or mudflow?				✓

#### X. LAND USE AND PLANNING

a.	Physically divide an established community?				✓
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

#### XI. MINERAL RESOURCES

a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

#### XII. NOISE

a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
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Potentially significant impact	Less than significant with mitigation incorporated	Less than significant impact	No impact
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b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				✓
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

**XIII. POPULATION AND HOUSING**

a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

**XIV. PUBLIC SERVICES**

a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?				✓
b.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Police protection?		✓		
c.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Schools?				✓
d.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks?				✓
e.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Other public facilities?				✓

**XV. RECREATION**

a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

**XVI. TRANSPORTATION/TRAFFIC**



Potentially significant impact	Less than significant with mitigation incorporated	Less than significant impact	No Impact
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a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				✓
b.	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
e.	Result in inadequate emergency access?				✓
f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓

**XVII. UTILITIES AND SERVICE SYSTEMS**

a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				✓

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				✓
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

**DISCUSSION OF THE ENVIRONMENTAL EVALUATION** (Attach additional sheets if necessary)

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology - Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and any other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the applicant's project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles's Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description may cause potentially significant impacts on the environment without mitigation. Therefore, this environmental analysis concludes that a Mitigated Negative Declaration shall be issued to avoid and mitigate all potential adverse impacts on the environment by the imposition of mitigation measures and/or conditions contained and expressed in this document; the environmental case file known as **ENV-2016-2549-MND** and the associated case(s), **ZA-2016-2548-CUB-CUX**. Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impact(s) on the environment (after mitigation) **will not:**

- Substantially degrade environmental quality.
- Substantially reduce fish or wildlife habitat.
- Cause a fish or wildlife habitat to drop below self sustaining levels.
- Threaten to eliminate a plant or animal community.
- Reduce number, or restrict range of a rare, threatened, or endangered species.
- Eliminate important examples of major periods of California history or prehistory.
- Achieve short-term goals to the disadvantage of long-term goals.
- Result in environmental effects that are individually limited but cumulatively considerable.
- Result in environmental effects that will cause substantial adverse effects on human beings.

**ADDITIONAL INFORMATION:**

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses and phone numbers: visit the City's website at <http://www.lacity.org> ; City Planning - and Zoning Information Mapping Automated System (ZIMAS) [cityplanning.lacity.org/](http://cityplanning.lacity.org/) or EIR Unit, City Hall, 200 N Spring Street, Room 763. Seismic Hazard Maps - <http://gmw.consrv.ca.gov/shmp/> Engineering/Infrastructure/Topographic Maps/Parcel Information - <http://boemaps.eng.ci.la.ca.us/index01.htm> or City's main website under the heading "Navigate LA".

<b>PREPARED BY:</b>	<b>TITLE:</b>	<b>TELEPHONE NO.:</b>	<b>DATE:</b>
CHI LIM	City Planning Assistant	(213) 202-5441	09/01/2016

Impact?	Explanation	Mitigation Measures
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**APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE**

<b>I. AESTHETICS</b>		
a.	NO IMPACT	A significant impact would occur if the proposed project would have a substantial adverse effect on a scenic vista. The City of Los Angeles General Plan Transportation Element (Map E: Scenic Highways in the City of Los Angeles) indicates that no City or State –designated scenic highways are located in the vicinity of the project site. Therefore, no impact are anticipated.
b.	NO IMPACT	A significant impact would occur if the proposed project would substantially degrade scenic resources within or along a designated State Scenic Highway. There are no scenic vistas in the vicinity of the project site. Therefore, no impacts are anticipated.
c.	NO IMPACT	A significant impact would occur is the proposed project substantially degraded the existing visual character or quality of the site and its surroundings. The subject property is surrounded by a mix of land uses, including commercial and residential uses. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The project does not involve a structural addition, structural alterations or changes to the exterior of the building. Therefore, no impacts are anticipated.
d.	NO IMPACT	A significant impact would occur is light or glare substantially altered the character of off-site areas surrounding the project site or interfered with the performance of an off-site activity. Light impacts are typically associated with the use of artificial light during night-time hours. Glare is typically associated with sunlight or artificial light being reflected off highly polished surfaces, such as window glass and reflective cladding materials, and may interfere with the safe operation of a motor vehicle on adjacent streets. Daytime glare is common in urban areas and typically associated with mid- to high-rise buildings with exterior facades largely or entirely composed of highly

Impact?

Explanation

Mitigation Measures

reflective glass. Nighttime glare is primarily associated with bright point-source lighting that contrasts with existing low ambient light conditions. Due to the urbanized nature of the project area, a moderate level of ambient nighttime light already exists. These nighttime lighting sources include street lights, vehicle headlights, and interior and exterior building illumination. The project is located within an existing one story building and does not include any elements or features that would create substantial new sources of glare. Therefore, no impacts related to light and glare are anticipated.

**II. AGRICULTURE AND FOREST RESOURCES**

a. NO IMPACT

A significant impact would occur if the proposed project would convert valued farmland to non-agricultural uses. The project site is currently developed with a one-story building located within an urbanized area. No farmland or agricultural uses are present within the project site or surrounding area. The project site and surrounding area are not included in the Farmland Mapping and Monitoring Program of the California Resources Agency. Therefore the project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, and no impact would occur.

b. NO IMPACT

A significant impact would occur if the proposed project conflicted with existing zoning for agricultural use, or a Williamson Act contract. The project site and the surrounding area are not zoned for an agricultural use and is not currently under a Williamson Act contract.

c. NO IMPACT

A significant impact would occur if the proposed project conflicted with existing zoning, or cause the rezoning of forest land or timber land or resulted in the conversion of forest uses to non-forest uses. The project site is zoned C4-1VL and is located within an urbanized setting with no identified forest use. The proposed project would not conflict with forest land or result in the loss or conversion of existing forest land. Therefore, no impacts are anticipated.

Impact?	Explanation	Mitigation Measures
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d.	NO IMPACT	A significant impact would occur if the proposed project resulted in the loss of forest land or conversion of forest land to non-forest use. The project site is zoned C4-1VL and is located within an urbanized setting with no identified forest use. The proposed project would not conflict with forest land or result in the loss or conversion of existing forest land. Therefore, no impacts are anticipated.	
e.	NO IMPACT	A significant impact would occur if the proposed project involved changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. The project site and surrounding area does not contain farmland, forestland, or timberland. Therefore, no impacts are anticipated.	

**III. AIR QUALITY**

a.	NO IMPACT	A significant air quality impact would occur if a project is inconsistent with the Air Quality Management Plan (AQMP) or would present a substantial hindrance to the implementation of the policies and goals of that plan. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The operation of the proposed theater is not expected to conflict with the implementation of the AQMP rules, therefore, no impacts are anticipated.	
b.	NO IMPACT	A significant impact would occur if the proposed project would violate any air quality standard or contribute substantially to an existing or projected air quality violation. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The operation of the proposed theater is not expected to conflict with the implementation of any air quality standards.	



Impact?	Explanation	Mitigation Measures
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c.	NO IMPACT	A significant impact would occur if the proposed project resulted in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state air quality standard. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The project will not result in a considerable net increase of any criteria pollutant for which the region is in non-attainment. No impact will result.	
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d.	NO IMPACT	A significant impact would occur if the proposed project exposed sensitive receptors to substantial pollutant concentrations. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The proposed operation of the theater will not expose sensitive receptors to substantial pollutant concentrations. No impact will result.	
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e.	NO IMPACT	A significant impact would occur if the proposed project created objectionable odors affecting a substantial number of people. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The proposed operation of the theater will not create objectionable odors affecting a substantial number of people. No impact will result.	
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**IV. BIOLOGICAL RESOURCES**

a.	NO IMPACT	A significant impact would occur if the proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The project is located in the Hollywood Community Plan area. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an	
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Impact?	Explanation	Mitigation Measures
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		existing building in an urbanized area. No impact will result.	
b.	NO IMPACT	A significant impact would occur if any riparian habitat or natural community would be lost or destroyed as a result of urban development. The project is located in the Hollywood Community Plan area. The project site is fully developed and within a highly urbanized area, and does not contain any biological resources or habitat area. No impact will result.	
c.	NO IMPACT	A significant impact would occur if the proposed project would have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means. The project site is located in an urbanized area and is currently improved with an existing building. Therefore, no impact will occur.	
d.	NO IMPACT	A significant impact would occur if the proposed project would interfere with, or remove access to, a migratory wildlife corridor, or impede wildlife nursery sites. Due to the urbanized nature of the project site, the surrounding area and the limited on-site vegetation, the project site is not anticipated to support or provide habitat for native resident or migratory species or contain native nurseries. Therefore, the project would not interfere with wildlife movement or impede the use of native wildlife nursery sites, and no impact would occur.	
e.	NO IMPACT	A significant impact would occur if the proposed project would be inconsistent with local regulations pertaining to biological resources. The proposed project would not conflict with any policies or ordinances protecting biological resources. The project site does not contain locally-protected biological resources, such as oak trees, Southern California black walnut, western sycamore, and California bay trees. The project site is located in an urbanized area and is currently improved with an existing building. Therefore, no impact will occur.	
f.	NO IMPACT	A significant impact would occur if the proposed project conflicted with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat	

Impact?	Explanation	Mitigation Measures
	conservation plan. The project site and its vicinity are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact will occur.	
<b>V. CULTURAL RESOURCES</b>		
a.	NO IMPACT	A significant impact would occur if the proposed project would substantially alter the environmental context of, or remove identified historic resources. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building that was constructed in the year of 1937. The subject site and building is not an identified historic resource. Therefore, no impact will occur.
b.	NO IMPACT	A significant impact would occur if a known or unknown archeological resource was removed, altered, or destroyed as a result of the proposed project. The project proposes no new construction or excavation that would result in the disturbance or discovery of known or unknown archaeological resources.
c.	NO IMPACT	A significant impact would occur if the proposed project directly or indirectly destroyed a unique paleontological resource or site or unique geologic feature. The project proposes no new construction or excavation that would result in the disturbance or discovery of known or unknown paleontological or geologic resources.
d.	NO IMPACT	A significant impact would occur if the proposed project disturbed any human remains, including those interred outside of formal cemeteries. The project proposes no new construction or excavation that would result in the disturbance or discovery of known or unknown human remains.
e.	NO IMPACT	A significant impact would occur if the project would result in a substantial adverse change in the significance of a tribal cultural resource, including, but not limited, to sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe or an historical resource.

Impact?	Explanation	Mitigation Measures
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The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building that was constructed in the year of 1937. The subject site and building has not been identified as a tribal cultural resource, therefore no impact will occur.

**VI. GEOLOGY AND SOILS**

a.	NO IMPACT	A significant impact would occur if the proposed project would cause personal injury or death or result in property damage as result of a fault rupture occurring on the project site and if the project site is located within an Alquist-Priolo Zone or other designated fault zone. The subject site is not located within the Alquist-Priolo Zone. Therefore no impact would result.	
b.	NO IMPACT	A significant impact would occur if the proposed project exposed people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: Strong seismic ground shaking. The subject site is within 2.6 kilometers of the Hollywood Fault. However, the sale of alcohol and patron dancing will not affect or worsen these impacts in any way. Therefore, no impact would result.	
c.	NO IMPACT	A significant impact would occur if the proposed project exposed people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction. The project site is not located within a liquefaction zone. Therefore, no impact would result.	
d.	NO IMPACT	A significant impact would occur if the proposed project exposed people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides. The project site is not located within a landslide hazard zone. Therefore, no impact is would result.	
e.	NO IMPACT	A significant impact would occur if the proposed project resulted in substantial soil erosion or the loss of topsoil. The project does not result in any grading, clearing or excavation. Therefore no, impact would result.	



Impact?	Explanation	Mitigation Measures
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f.	NO IMPACT	A significant impact would occur if the proposed project was located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. The project site is not located within a liquefaction zone. Therefore, no impact would result.	
g.	NO IMPACT	A significant impact would occur if the proposed project was located on expansive soil, creating substantial risks to life or property. The proposed project does not include new structures, construction or excavation. Therefore, no impact is anticipated.	
h.	NO IMPACT	A significant impact would occur if the proposed project site had soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. The project site is located in an urbanized area where waste water infrastructure is currently in place. The existing building connects to existing sewer lines that serve the project site. No new septic tanks or alternative wastewater systems are proposed as part of the project. Therefore, no impact is anticipated.	

**VII. GREEN HOUSE GAS EMISSIONS**

a.	NO IMPACT	A significant impact would occur if the proposed project generated greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The sale of alcohol and patron dancing will not affect these impacts in any way. Therefore, no impact is anticipated.	
b.	NO IMPACT	A significant impact would occur if the proposed project conflicted with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized	

Impact?	Explanation	Mitigation Measures
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area. The sale of alcohol and patron dancing will not affect these impacts in any way. Therefore, no impact is anticipated.

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

a.	NO IMPACT	A significant impact would occur if the proposed project created a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The project does not involve hazardous or potentially hazardous or explosive substances. No impact will occur.	
b.	NO IMPACT	A significant impact would occur if the proposed project created a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. There will be no new construction or excavation as part of the project, therefore no impact will occur.	
c.	NO IMPACT	A significant impact would occur if the proposed project emitted hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project site is not located within 500 feet of any school. There, no impact is anticipated.	
d.	NO IMPACT	A significant impact would occur if the proposed project was located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment. The project site is not located on a site included on a list of hazardous materials sites. Therefore, no impact will occur.	

Impact?	Explanation	Mitigation Measures
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e.	NO IMPACT	The project is not located within an airport land use plan or within two miles of a public airport or public use airport and will not result in a safety hazard for people residing or working in the project area. Therefore, no impact will occur.	
f.	NO IMPACT	The project is not located within the vicinity of a private airstrip and will not result in a safety hazard for people residing or working in the project area. Therefore, no impact will occur.	
g.	NO IMPACT	A significant impact would occur if the proposed project impaired implementation of or physically interfered with an adopted emergency response plan or emergency evacuation plan. The proposed project will not require the closure of any public or private streets and would not impede emergency vehicle access to the project site or surrounding area. Therefore, no impact will occur.	
h.	NO IMPACT	A significant impact would occur if the proposed project exposed people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The project is located within a highly urbanized area of the city and the surrounding area is completely developed. Therefore, no impact will occur.	

**IX. HYDROLOGY AND WATER QUALITY**

a.	NO IMPACT	A significant impact would occur if the proposed project violated any water quality standards or waste discharge requirements. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. No violations of any water quality or waste discharge requirements are anticipated from the proposed sale of alcohol for on-site consumption and patron dancing. No impact will result.	
b.	NO IMPACT	A significant impact would occur if the proposed project substantially depleted groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The proposed project would not require the use of	

Impact?	Explanation	Mitigation Measures
	groundwater at the project site. Potable water would continue to be supplied to the site by the Los Angeles Department of Water and Power (LADWP). Therefore, no impact is anticipated.	
c. NO IMPACT	A significant impact would occur if the proposed project substantially altered the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. The proposed sale and dispensing of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater will not alter existing drainage at the site. No impact will result.	
d. NO IMPACT	A significant impact would occur if the proposed project substantially altered the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. The sale of alcohol and patron dancing will not affect these impacts in any way. The project does not involve substantial construction or any excavation that would alter its drainage pattern. Therefore, no impact is anticipated.	
e. NO IMPACT	A significant impact would occur if the proposed project created or contributed runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The project would not create additional sources of polluted runoff, therefore, no impact is anticipated.	
f. NO IMPACT	A significant impact would occur if the proposed project substantially degraded water quality. The proposed project does not involve potential sources of contaminants, which would potentially degrade water quality. Therefore, no impact will occur.	

Impact?	Explanation	Mitigation Measures
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g.	NO IMPACT	A significant impact would occur if the proposed project placed housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. According to Exhibit F of the Safety Element of the Los Angeles General Plan, the project site is not located within a 100-year or 500-year floodplain. Therefore, no impact will occur.	
h.	NO IMPACT	A significant impact would occur if the proposed project placed structures within a 100-year flood hazard area which would impeded or redirect flood flows. According to Exhibit F of the Safety Element of the Los Angeles General Plan, the project site is not located within a 100-year or 500-year floodplain. Therefore, no impact will occur.	
i.	NO IMPACT	A significant impact would occur if the proposed project exposed people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. The project site and the surrounding area are not located within a flood hazard area. Therefore, no impact would occur.	
j.	NO IMPACT	A significant impact would occur if the proposed project was located within an area susceptible to inundation by seiche, tsunami, or mudflow. The project site and surrounding area are not located in a mapped Tsunami Inundation Zone or located in an area where such potential exists. Therefore, no impact will occur.	

**X. LAND USE AND PLANNING**

a.	NO IMPACT	A significant impact would occur if the proposed project physically divided an established community. The project would not create a physical barrier within an established community. Therefore, no impact will occur.	
b.	NO IMPACT	A significant impact would occur if the proposed project conflicted with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environment effect. The subject property is zoned C4-1VL with a neighborhood office commercial land use designation within the Hollywood Community Plan area. With the approval of the Conditional Use	



Impact?	Explanation	Mitigation Measures
	request, the proposed sale of alcohol consumption and patron dancing in conjunction with the subject theater would be permitted within the zone. Therefore, no impact will occur.	
c. NO IMPACT	A significant impact would occur if the proposed project conflicted with any applicable habitat conservation plan or natural community conservation plan. The project site is not subject to any habitat conservation plan or natural community conservation plan. Therefore, no impact will occur.	
<b>XI. MINERAL RESOURCES</b>		
a. NO IMPACT	A significant impact would occur if the proposed project resulted in the loss of availability of a known mineral resource that would be of value of the region and the residents of the state. The project site is not currently classified by the city as containing significant mineral deposits. The project site is currently zoned for neighborhood office commercial uses and not for mineral extraction. Additionally, the site is not within an oil field area. Therefore, no impact will occur.	
b. NO IMPACT	A significant impact would occur if the proposed project resulted in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The project site is not currently classified by the city as containing significant mineral deposits. The project site is currently zoned for neighborhood office commercial uses and not for mineral extraction.	
<b>XII. NOISE</b>		
a. LESS THAN SIGNIFICANT IMPACT	A significant impact would occur if the proposed project resulted in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The City of Los Angeles has established policies and regulations concerning the generation and control of noise that could adversely affect its citizens and noise-sensitive land uses. Given the potential to impact neighboring	

Impact?	Explanation	Mitigation Measures
	sensitive uses, mitigation measures have been included to reduce impacts to less than significant levels.	
b. NO IMPACT	A significant impact would occur if the proposed project resulted in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. There will be no new construction or excavation as part of the project, therefore no impact is anticipated.	
c. LESS THAN SIGNIFICANT IMPACT	A significant impact would occur if the proposed project resulted in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. There will be no new construction or excavation as part of the project. The subject restaurant will occupy a vacant space. The activation of the vacant site will result in the increase of ambient noise levels in the project vicinity due to the potential increase of patrons in the vicinity. The City of Los Angeles has established policies and regulations concerning the generation and control of noise that could adversely affect its citizens and noise-sensitive land uses. However, excessive noise may occur during different special events that the theater venue hosts. Given the potential to impact neighboring sensitive uses, mitigation measures have been included to reduce impacts to less than significant levels.	
d. LESS THAN SIGNIFICANT IMPACT	A significant impact would occur if the proposed project resulted in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. There will be no new construction or excavation as part of the project. Any	

Impact?	Explanation	Mitigation Measures
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		tenant improvement activities would result in a temporary increase in ambient noise levels in the project area on an intermittent basis. Tenant improvement activities and the future operation of the subject theater will for the interior only. Therefore, potential noise impacts would be less than significant.	
e.	NO IMPACT	The proposed project is not located within an airport land use plan or within two miles of a public airport or public use airport and will not expose people residing or working in the project area to excessive noise levels. Therefore, no impact will occur.	
f.	NO IMPACT	The proposed project is not located within the vicinity of a private airstrip and will not expose people residing or working in the project area to excessive noise levels. Therefore, no impact will occur.	

### XIII. POPULATION AND HOUSING

a.	NO IMPACT	A significant impact would occur if the proposed project induced substantial population growth in the area. The proposed project does not include the construction of a use that would induce any population growth. Therefore, no impact will occur.	
b.	NO IMPACT	A significant impact would occur if the proposed project displaced substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The proposed project does not involve the construction of housing and will not require the construction of replacement housing. Therefore, no impact will occur.	
c.	NO IMPACT	A significant impact may occur if a project would result in the displacement of existing housing units, necessitating the construction of replacement housing elsewhere. The project site does not contain any housing. The Project does not represent a displacement of substantial numbers of existing housing. Therefore, no impact will occur.	

### XIV. PUBLIC SERVICES

a.	NO IMPACT	A significant impact would occur if the proposed project resulted in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause	
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Impact?	Explanation	Mitigation Measures
	<p>significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire Protection. The proposed project will not result in the need to build a new or expand an existing fire station to maintain acceptable service ratios, response times or other performance objectives for fire protection. Therefore, no impact will occur.</p>	
<p>b. LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED</p>	<p>A significant impact would occur if the Los Angeles Police Department (LAPD) could not adequately serve the proposed project, necessitating a new or physically altered station. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The addition of beer and wine could increase demand for police service. Prior to issuance of a building permit, the LAPD would review the project to ensure that the design of the project follows LAPD's Design Out Crime Prevention through Environmental Design (CPTED) to all City department beyond LAPD. Through incorporation of these techniques into the project design, in combination with the safety features already incorporated into the proposed project, the project would neither create capacity/service level problems nor result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service level ratios, response times, or other performance objectives for police protection. Therefore, with the incorporation of Mitigation measure XIV-30, the proposed project would result in a less than significant impact related to police protection services.</p>	<p>XIV-30</p>
<p>c. NO IMPACT</p>	<p>A significant impact would occur if the proposed project resulted in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in</p>	



Impact?	Explanation	Mitigation Measures
	<p>order to maintain acceptable service ratios, response times or other performance objectives for Schools. The proposed project will not result in the creation of any new housing or increase the demand for schools in the area. Therefore, no impact will occur.</p>	
d. NO IMPACT	<p>A significant impact would occur if the proposed project resulted in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Parks. The proposed project will not result in the creation of any new housing or otherwise induce growth. Therefore, it will not increase the usage of or demand for parks in the area. Therefore, no impact will occur.</p>	
e. NO IMPACT	<p>A significant impact would occur if the proposed project resulted in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other facilities. The proposed project will not result in the creation of any new housing or otherwise induce growth. Therefore, the proposed project will not result in service capacity problems that would require the provision of new or physically altered public facilities in order to maintain an acceptable level of service for other public services. Therefore, no impact will occur.</p>	
<b>XV. RECREATION</b>		
a. NO IMPACT	<p>A significant impact would occur if the proposed project increased the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The proposed project will not result in the creation of any new housing or otherwise induce growth. Therefore, it will not increase the usage of or demand for parks or recreational facilities in the area.</p>	

Impact?	Explanation	Mitigation Measures
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b.	NO IMPACT	Therefore, no impact will occur.  A significant impact would occur if the proposed project included recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The proposed project will not result in the creation of any new housing or otherwise induce growth. Therefore, it will not increase the usage of or demand for parks or recreational facilities in the area. Therefore, no impact will occur.	
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**XVI. TRANSPORTATION/TRAFFIC**

a.	NO IMPACT	A significant impact would occur if the proposed project conflicted with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. A traffic study was not needed for the project as determined by the Department of Transportation. Therefore, no impact will occur.	
b.	NO IMPACT	A significant impact would occur if the proposed project conflicted with an applicable congestion management program. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. A traffic study was not needed for the project as determined by the Department of Transportation. Therefore, no impact will occur.	
c.	NO IMPACT	A significant impact would occur if the proposed project resulted in a change in air traffic patterns. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. A traffic study was not needed for the project as determined by the Department of Transportation. No change in air traffic patterns will result from the proposed project. Therefore, no impact will occur.	

Impact?	Explanation	Mitigation Measures
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d.	NO IMPACT	A significant impact would occur if the proposed project substantially increased hazards due to a design feature or incompatible uses. The project will be within an existing building and will not involve any change in design features of surrounding streets or other means of access to the site. Therefore, no impact will occur.	
e.	NO IMPACT	A significant impact would occur if the proposed project resulted in inadequate emergency access. The proposed project would not require the closure of any public or private streets and would not impede emergency vehicle access to the project site or surrounding area. Additionally, emergency vehicle access to the project site would be provided in accordance with requirements of the LAFD. Therefore, no impact will occur.	
f.	NO IMPACT	A significant impact would occur if the proposed project conflicted with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation. The proposed project would not require the disruption of public transportation services or the alteration of public transportation routes. Therefore, no impact will occur.	

**XVII. UTILITIES AND SERVICE SYSTEMS**

a.	NO IMPACT	A significant impact would occur if the proposed project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (LARWQCB). The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The wastewater generated from the site would be typical of commercial uses and would not contribute significantly its ability to operate within established wastewater treatment requirements. Therefore, no impact will occur.	
b.	NO IMPACT	A significant impact would occur if the proposed project required or resulted in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The	

Impact?	Explanation	Mitigation Measures
	<p>project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The project's demand for water is not anticipated to require new water supply entitlements and/or require the expansion of existing or construction of new water supply facilities. Therefore, no impact will occur.</p>	
c. NO IMPACT	<p>A significant impact would occur if the proposed project required or resulted in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. No change to the existing building footprint is proposed, and the project would generally maintain existing drainage patterns. The project would not create or contribute runoff water that would exacerbate any existing deficiencies in the storm drain system or provide additional sources of polluted runoff. Therefore, no impact will occur.</p>	
d. NO IMPACT	<p>A significant impact would occur if the proposed project needs new or expanded entitlements to have sufficient water supplies available to serve the project. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The project's demand for water is not anticipated to require new water supply entitlements and/or require the expansion of existing or construction of new water supply facilities. Therefore, no impact will occur.</p>	
e. NO IMPACT	<p>A significant impact would occur if the proposed project resulted in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater with live entertainment located within an existing building in an urbanized area. The project's demand for water is not anticipated to require new water supply</p>	

Impact?	Explanation	Mitigation Measures
	entitlements and/or require the expansion of existing or construction of new water supply facilities. Therefore, no impact will occur.	
f. NO IMPACT	A significant impact would occur if the proposed project was not served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. The project is located within an existing building in a highly urbanized area that is served by a landfill. Therefore, no impact will occur.	
g. NO IMPACT	A significant impact would occur if the proposed project did not comply with federal, state, and local statutes and regulations related to solid waste. The project is a request for the sale of alcohol for on-site consumption and patron dancing in conjunction with a proposed theater having live entertainment within an existing building. Compliance with regulations related to solid waste has been determined prior to the proposed project. Therefore, no impact will occur.	
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>		
a. NO IMPACT	The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory, therefore, no impacts will result.	
b. NO IMPACT	All identified impacts were determined to be less than significant or reduced to less than significant with the implementation of the attached mitigation measures. As such, the proposed project will not result in any cumulative impacts.	
c. NO IMPACT	All identified impacts were determined to be less than significant or reduced to less than significant with the implementation of the attached mitigation measures. As such, the project results in no impact that would result in any substantial adverse impacts on human beings.	



**MISCELLANEOUS  
REPORTS**

# LOS ANGELES POLICE DEPARTMENT

**CHARLIE BECK**  
Chief of Police



P. O. Box 30158  
Los Angeles, Calif. 90030  
Telephone: (213)473-0288  
TDD: (877) 275-5273  
Reference No. 6.4

**ERIC M. GARCETTI**  
Mayor

September 29, 2016

Ms. Linn Wyatt  
Chief Zoning Administrator, Office of Zoning Administration  
City of Los Angeles  
200 North Spring Street, 7<sup>th</sup> Floor  
Los Angeles, California 90012

Dear Ms. Wyatt:

The Wilshire Area Vice Unit, Los Angeles Police Department, has reviewed the Conditional Use Beverage (CUB) permit application for The Lyric Theatre, located at 520 N. La Brea, Case # ZA 2016-2548-CUB-CUX. The applicant is requesting a CUB for a full line of alcohol for on-site consumption, in conjunction with a Department of Alcoholic Beverage Control (Type 47) license, within a 4,200 square foot theater with one-hundred and twenty-eight (128) seats maximum occupancy of 318 persons. The proposed hours of alcohol sales will be 4 p.m. to 2 a.m daily.

This business is located in Census Tract No. 1919.02 and in Los Angeles Police Department Reporting District (RD) 0706. According to the statistics provided by the Department of Alcohol Beverage Control, two (2) on-sale general license are allowed in this census tract. There are currently thirteen (13) on-sale general ABC licenses in this census tract.

An analysis of Part I crime statistics, driving under the influence (DUI) arrests and DUI traffic collisions for Reporting District 0706 was conducted for the period from January 1, 2014 through December 31, 2015. The analysis revealed that during the extraction period Part I crime increased (106 crimes in 2014 vs. 125 crimes in 2015), DUI arrests increased (5 DUI arrests in 2014 vs. 16 DUI arrests in 2015), DUI traffic collisions (T/C's) increased (4 DUI T/C in 2014 vs. 5 DUI T/C's in 2015).

The Lyric Theatre is located along the La Brea Corridor. The La Brea Corridor is a heavily populated tourist, commercial and residential area that consists of numerous retail businesses, restaurants, small boutiques/retail stores and office buildings. The Lyric Theatre is also located within close proximity to several single and multi-unit family dwelling residences as well as numerous synagogues and Jewish schools directly north, east and south of the business.

During the planning phase of the development for the Lyric Theatre, the planning team, led by Mr. Kiyoshi Graves, conducted an open house with the surrounding business tenants and residents adjacent to the theater. The open house was organized to allow the residents to voice their concerns regarding the theater's planned use. The Land Use Committee of the Greater Wilshire Neighborhood Council, voted unanimously to support their application.

During the course of this review, Wilshire Vice personnel contacted Wilshire Area Senior Lead Officer Dave Cordova, Mr. John Darnell, Senior Field Deputy of City Council District Five representative and Mr. Scott Epstein, President of the Mid City West Neighborhood Council.

Officer Cordova stated that she had not received any community concerns in regards to the proposed change to the theater. Mr. Darnell stated that he had not received any community concerns in regards to the proposed change to the theater. Mr. Epstein stated that he had not heard of any community complaints in regards to the proposed change to the theater.

If the applicant is issued a CUB permit, the Department requests that the attached conditions be imposed. These conditions would both assist in keeping the public safety problems to a minimum and help protect the surrounding community's quality of life.

If you have any questions, please telephone Sergeant II Fernando Zuniga, Officer-in-Charge, Wilshire Area Vice Unit, at (213) 473-0288.

Very truly yours,

CHARLIE BECK  
Chief of Police



ROLANDO SOLANO, Captain  
Area Commanding Officer  
Wilshire Community Police Station

Attachment

## **CONDITIONS**

### **CONDITIONS REQUESTED**

1. 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.
2. The petitioner(s) shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.
3. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control and City Planning. The on-site manager and employees shall be knowledgeable of the conditions herein.
4. Within a year of the effective date of this determination, all personnel acting in the capacity of a manager of the premises shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. The applicant shall contact the Wilshire Vice Unit of the Los Angeles Police Department and make arrangements for such training.
5. Hours of operation for alcohol service shall not exceed 4 p.m. to 2 a.m. daily.
6. Loitering is prohibited on or around these premises or this area under the control of the applicant.
7. All entrance and exit doors to the premises shall be kept closed at all times (not propped open) during the operation of the premise, except in cases of emergency and to permit deliveries.
8. Trash pick up or business deliveries shall be conducted between the hours of 8 a.m. to 5 p.m. Monday-Friday, 10 a.m. to 5 p.m. Saturday-Sunday. Outside disposal of trash shall be conducted only between the hours of 9 a.m. to 9 p.m. daily.
9. There shall be no pool tables, coin-operated games, video or mechanical amusement devices permitted or maintained on the premises at any time.
10. There shall be no use of the subject premises which involved Section 12.70 of the Los Angeles Municipal Code uses (Adult Entertainment), including, but not limited to, wet T-shirt contests, leg contests or mud/oil wrestling.
11. Karaoke shall not be permitted.
12. Any music, sound or noise emitted shall not be audible beyond the licensee's property.

13. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
14. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee(s) provide, permit or make available, either gratuitous or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
15. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
16. Applicant shall not require an admission charge or a cover charge, nor there a requirement to purchase a minimum number of drinks or other manner similar to a nightclub or after-hours establishment.
17. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
18. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises.
19. Any alcoholic beverage sold or dispensed for consideration shall be only for consumption on the premises and shall be served at tables or sit-down counters by employees of the restaurant.
20. The subject alcoholic beverage license shall not be exchanged for a public premise type license nor operated as a public premise.
21. Applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment.
22. Property owner/operator shall keep a log of any complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator or other city representatives.
23. A 24-hour "hot-line" phone number shall be provided for the receipt of the complaints from the community regarding the subject facility and shall be:
  - a) Posted at the entry
  - b) Posted at the Customer Service Desk
  - c) Provided to the immediate neighbors, schools, and local neighborhood council groups
24. An electronic age verification devices(s) which can be used to determine the age of an



individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sales location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the utilization of this approval.

25. The Petitioner(s) shall install and maintain security cameras and a one-month video library that covers all common areas of the business, entrances or exits. The video shall be made available to the Police Department or ABC Investigator upon request.
26. Any future operator or owner of the subject property shall file a Plan Approval Review application for the purpose of evaluating the mode and character of the use a public hearing shall be held to hearing shall be held to hear from all departments and concerned parties. Notification labels shall be provided by the owner/operator for owners and occupants within a 500-foot radius.
27. There shall be no "happy hour" type of reduced price alcoholic beverage promotion.

### **Volunteered Conditions**

- A minimum of four (4) licensed and uniformed security guards shall be provided for all live music events to monitor the following: one guard at front entry for patron check-in, one guard at rear entry to prevent loitering and illegal parking in alley, two guards on the establishment floor.
- A minimum of two (2) licensed and uniformed security guards shall be provided for any stand-up comedy and theater events in which alcohol is available for purchase for on-site consumption.
- Security guards shall not be provided for any educational or non-profit related activities, conducted during the day or night.
- Alcohol shall not be available for service during any events at which minors are invited to attend as patrons, or as part of any educational or non-profit activities which involve the presence of minors. During such events, the bar area shall be closed off from public access.
- An electronic age verification device shall be retained on the premises available for use by staff and security during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
- Within six-months of the effective date of this determination, all personnel acting in the capacity of a manger and employees shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. Upon

completion of the training, the applicant shall provide evidence to the Zoning Administrator that such training was provided. Training shall be repeated on an annual basis.

- A security video surveillance camera system shall be maintained on the premises, with a 30 day footage library, and the cameras shall monitor the front entry, rear entry and alley, the front cashier/receptionist, the bar, and the hallway leading to the restrooms.
- The rear door of the premises shall be equipped on the inside with an automatic locking device and shall be kept closed at all times. This door shall not be used as a means of access by patrons to and from the premises. Temporary use of this door for delivery of supplies does not constitute a violation.
- A sign shall be posted on the door stating to the effect that, "No patron access to the establishment is allowed via this door. Please utilize the front door for entry to the venue."
- The applicant/operator shall keep a logbook of complaints received, the date and time received and the disposition of the response. Said logbook shall be made available to LAPD upon request.
- Applicant shall maintain on the premises and present upon request to any law enforcement officer, a copy of the Business Permit, Insurance information and valid contact phone number for the Security Company/Licensing Entity used by applicant's security guards.
- A 24-hour "hot line" phone number and email shall be provided for receipt of complaints from the community regarding the subject facility and a sign containing said information shall be posted inside the front entry, and on the exterior of the rear entry.

October 25, 2016

Ryan Braun  
The Lyric Theater  
520 North La Brea Avenue  
Los Angeles, California  
Via email

**Subject** Acoustical Analysis of Theater Noise Impact to the Community

Ryan:

Acentech has had an opportunity to document noise levels to the adjacent community caused by to events within the Lyric Theater. We also measured noise transmission loss provided by the ceiling assembly of the Lyric Theater to determine the type of construction that would be required to significantly reduce event noise to the adjacent multi-family residence to the east. This report documents our measurement methodology, results and provides mitigation recommendations to help reduce the noise emitting from the Lyric Theater during events.

### July 7, 2015 Acoustical Measurements

Noise Condition	Average Measured Noise Level (Leq - dBA)
Interior Noise Level of First Band Performance	102
Interior Noise level of Second Band Performance	104
Exterior Ambient Noise Level at Edge of Lyric Theater Roof	58
Exterior Noise Level Averaged over Lyric Event Roof Area	68
Exterior Noise Level During Second Band Performance at Edge of Lyric Theater Roof	60
Extrapolated Noise Level due to Event at 3 <sup>rd</sup> Floor Balcony during Second Band Performance	56

### Acoustical Criteria

The City of Los Angeles documents noise limits to adjacent property lines in the Municipal Code. Since the event noise evaluated was music, Section 112.01 "Radios, Television Sets, and Similar Devices" is the most relevant section to limiting noise emissions from the Lyric Theater. Section 112.01 (c) limits noise caused by such use or operation from exceeding the ambient noise level by more than 5 dBA.

As can be seen from the measurements documented on July 7, 2015, the ambient noise level, without the event noise emitting from the theater was measured at 58 dBA at the edge of the Lyric Theater Roof. The extrapolated noise level at the 3<sup>rd</sup> floor balcony of the west residential multi-family complex was calculated to

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be 56 dBA, 4 dB below the measured ambient noise level. Thus, the Event on 7/7/2015 was operating in compliance with the City Noise Ordinance.

### **July 8, 2015 Acoustical Measurements**

During the daytime Acentech performed noise transmission loss measurements to determine the amount of acoustical separation the Theater Roof provides. To perform these measurements, Acentech connected a pink noise generator to the Theater's existing sound system. The interior noise level was averaged over the floor of the theater. The exterior noise level was averaged over the area of the roof.

### **Acoustical Mitigation**

Although already complying with the noise limits of the City of Los Angeles, the Lyric Theater intends to upgraded the roof assembly as a "good neighbor" policy, to reduce the impact to the community further.

The acoustical weak link was determined to be the roof of the venue. However, there are structural limitations due to updated seismic requirements that were not in place when the Theater was original built. As part of the tenant improvement of the venue, the Acentech understands a single layer of 5/8" drywall will be attached to the underside of the roof joists using a resilient neoprene clip system to break the rigid connection to the building structure. With the upgraded roof/ceiling assembly, Acentech has calculated at least an additional 12 dB of reduction can be anticipated. Thus, with the improved roof, if similar interior noise levels are generated during an event, the noise contribution of an event can be anticipated to be 44 dB, 14 dB below the measured ambient during nighttime.

Measurements performed on July 7, 2015 confirm the Lyric Theater is operating in compliance with the City Noise Ordinance. Additional mitigation was implemented to help reduce the amount of noise the theater emits into the community. Though this noise will be significantly lower than required by the City Noise, it should be anticipated to be audible due to the tonal and impulsive nature of the noise.

Sincerely,  
ACENTECH INCORPORATED

Aaron B  tit  
Senior Consultant



# CENTRAL AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: MAR 14 2018

Case No. **ZA-2016-2548-CUB-CUX-1A**

Council District: 5 – Koretz

CEQA: ENV-2016-2549-MND

Plan Area: Hollywood

**Project Site:** 520, 520½ and 522 North La Brea Avenue

**Applicant:** Dorothy M. Braun Trust  
Representative: Kiyoshi Graves, Urban Planning Studios

**Appellants:** Rabbi Berish Goldenberg, Yeshivath Torath Emeth Academy  
Representative: George Mhlsten Esq., Latham & Watkins LLP  
Steven Berger, La Brea Rehabilitation Center, LLC;  
Shulamith Y. May, Bnos Devorah High School;  
Rabbi Avrohom Union, Rabbinical Council of California;  
Yaacov Isaacs, City View;  
Lawrence Polon;  
Jonas Landau, Congregation Kollel Yechie Yehuda;  
Rabbi Avrohom Czapnik, Jewish Learning Exchange

At its meeting of **February 26, 2018**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

The sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing in a proposed theater with live entertainment.

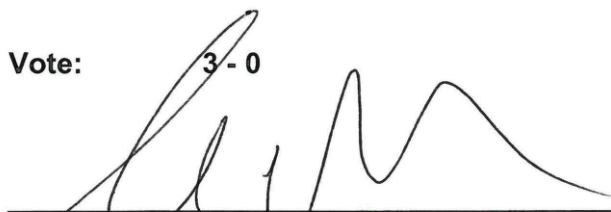
1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2016-2549-MND (“Mitigated Negative Declaration”), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; **found**, the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; **found**, the mitigation measures have been made enforceable conditions on the project; and **adopted** the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration;
2. **Denied** the appeals and **sustained** the Zoning Administrator’s determination to approve a Conditional Use Permit for the sale and dispensing of a full line of alcoholic beverages for on-site consumption and public dancing in a proposed theater with live entertainment;
3. **Adopted**, the attached Conditions of Approval, as modified by the Commission, including Staff’s technical corrections; and
4. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Mendez  
Seconded: Barraza  
Ayes: Chung Kim  
Absent: DelGado, Gold

**Vote:**

3 - 0



Jason Wong, Commission Executive Assistant  
Central Los Angeles Area Planning Commission

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

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

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.

Attachment: Conditions of Approval, Findings

c: Aleta James, Associate Zoning Administrator



## CONDITIONS

### (As Modified by the Central Los Angeles Area Planning Commission on February 26, 2018)

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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of the grant.
6. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing, in conjunction with a 3,516 square-foot theater including a 338 square-foot dance floor, featuring live entertainment, subject to the following limitations:
  - a. Indoor seating shall be limited to a maximum of 128 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 for the theater shall be limited to 10:00 a.m. to 2:00 a.m., daily. Vendor deliveries shall be conducted between 10:00 a.m. to 5:00 p.m. There shall be no deliveries on Sundays. The theater shall remain closed on Jewish Holidays (Passover, Rosh Hashanah and Yom Kippur).
  - c. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.

7. Public dancing on an approximately 338 square-foot dance floor as an alternative use to theater seating is permitted.
8. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
9. **Prior to the effectuation of this grant**, a building permit to change the use from art school to a theater 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 Department of City Planning to be maintained in the Case File.
10. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
11. **The applicant shall file a Plan Approval application no sooner than 4 months but within 6 months from the beginning of operations.** The Plan Approval application shall be subject to filing fees established pursuant to 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 the public hearing for nuisance abatement/revocation purposes.

12. **MViP – Monitoring, Verification and Inspection Program. Prior to the effectuation of this grant**, fees required per Section 19.01-E,3 of the Los Angeles Municipal Code for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
13. 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.
14. No additions to the approved site plan such as pool tables, coin-operated games, or video machines shall be permitted on the premises unless approved by the Department of City Planning.
15. **Prior to the utilization of this grant**, an electronic age verification device shall be purchased and retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
16. The applicant shall neither sublet nor rent out the premises to any outside promoters, or for any nightclub type of activity.
17. Patron queuing is prohibited.
18. Patron dancing is permitted with live entertainment only.

19. The applicant/operator shall obtain permits from the Los Angeles Police Department, Commission Investigation Division for Café Entertainment and Show, Live Entertainment and Dance Hall, pursuant to LAMC Sections 103.102 and 103.106. Copies of said permits shall be submitted to the Department of City Planning within 30 days of their issuance for inclusion in the case file.
20. Any use of the establishment for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
21. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
22. **Prior to the effectuation of this grant**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for inclusion in the case file. Fees required per Section 19.01-E,3 of the Los Angeles Municipal Code for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.
23. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
24. 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.
25. The applicant shall be responsible for maintaining the area adjacent to premises over which they have control, free of litter.

26. The applicant shall be responsible for monitoring both patron and employee conduct on the premises within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
27. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries and trash removal.
28. The rear of the premises used for the load-in and load-out of gear and equipment will be limited to the hours of 10:00 a.m. to 5:00 p.m., daily. The load-in and load-out of equipment after 5:00 p.m. will be done from the front entrance only, and must be appropriately coordinated with the Applicant.
29. **Prior to the beginning of operations**, a camera surveillance system shall be installed by a State licensed contractor to monitor the interior, entrance, exits 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 plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the Department of City Planning and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
30. 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.
31. A security plan for the establishment shall be approved by the Los Angeles Police Department prior **to the beginning of operations**. The Applicant shall provide security both inside and outside the premises. Security provisions, shall be reviewed by the Police Department, Hollywood Vice and their recommendations submitted in writing shall be incorporated into the security plan for on and off-site security. A copy of the approved security plan shall be submitted to the Department of City Planning.
32. Private licensed security guards shall be provided. There shall be at least two (2) security guards on duty at any one shift during operating hours. There shall be four (4) additional security guards on duty during live entertainment and D.J. events. Security guard(s) will be provided at the front entry and the rear entry. Security personnel shall wear clothing or uniforms that are easily identifiable. The security guard(s) shall regularly patrol the area under the control of the establishment to prevent loitering or undesirable activity by persons around the premises. The security guards must be certified by the State Department Bureau of Consumer Affairs, Bureau and Security and Investigative Services. A copy of the security guards credentials and contract shall be to provide to the Department of City Planning for inclusion in the case file and to the Los Angeles Police Department upon request.

33. Security guards shall regularly patrol the area under the control of the establishment including the adjacent sidewalks, to prevent loitering and any other undesirable activities by persons around the premises. The security guards shall not impede, obstruct, or delay any law enforcement personnel conducting inspections or official business on the premises.
34. Security personnel shall maintain weekly patrol logs indicating any nuisance behaviors, criminal activities, and violations to these Conditions. The log shall contain the names of the guards, check-in and check-out times of the guards, and the dates, times, and places of occurrence and descriptions of the nuisance/criminal activities, law enforcement incidents, and other violations. The patrol log shall be provided upon request by the Los Angeles Police Department, the Department of City Planning, or any Federal, State, or City agency, and shall be included with subsequent applications for Plan Approval for inclusion in the case file.
35. **Prior to the beginning of operations**, 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 Department of City Planning within 30 days of the beginning day of operation of the establishment. The statement shall read as follows,

*We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction the theater, known as The Lyric Theater, and agree to abide and comply with said conditions.*

36. **Prior to the beginning of operations**, 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 Department of City Planning for inclusion in the Case File.

37. Within the **first six months of the beginning of operations** at this establishment, all employees involved with the sale of a full line of alcoholic beverages shall enroll in the Los Angeles Police Department “Standardized Training for Alcohol Retailers” (STAR). Upon completion of such training, the applicant shall request the Police



Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2016-2548-CUB, from the Police Department to the Department of City Planning 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.

38. Passenger loading shall be limited to passenger loading spaces along La Brea Avenue which shall also apply to any valet service. No other street parking shall be used by the valet service for passenger loading at any time.
39. The applicant shall prepare and implement an incentive program to encourage employees to walk, bike, use public transit or carpool to work. Said program may include but not be limited to: subsidies for public transit and installation of bike racks. A copy of the program shall be submitted to the Department of City Planning for inclusion in the file.

**The mitigation measure identified in the Environmental Clearance Case No. ENV 2016-2549-MND is included below as Condition No. 40**

40. Prior to the issuance of building permits, the Applicant shall have the proposed plot plan/floor plan reviewed by the Los Angeles Police Department's community Relations Division located at 100 West 1<sup>st</sup> Street, #250, Los Angeles, CA 90012; (213) 486-6000.

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

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's

Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- (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 (b).
- (v) If the City determines it necessary to protect the City's interests, 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, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes 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.

## FINDINGS

### (As Amended by the Central Los Angeles Area Planning Commission on February 26, 2018)

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 developed with a single story 3,516 square-foot Art School as established by a Certificate of Occupancy issued on January 27, 1958. On June 1, 2016, the Department of Building and Safety issued a building permit for a tenant improvement and change of use from private school to theater with a lounge under Building Permit No. 16010-10000-00733. The Department of Building and Safety determined that additional parking will not be required under Building Permit No. 16010-10000-00733. The project does not propose to any changes to the location, size, and height.

The subject site has been operating as the Lyric Theater since 2007 presenting various types of live entertainment and performing arts. They host live music in the form of bands and DJs, comedy nights, and theater performances including student workshops and plays. The applicant operates the theater under the legal entity, Lyric Presents LLC and supports the Lyric Foundation within the same space. The Lyric Foundation provides educational activities and invites in teacher and staff from other institutions to make use of the space for workshops and other informational gatherings. The Lyric Foundation has also created partnerships with other non-profit arts entities to collaborate on creative endeavors and educational opportunities.

The subject grant approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing in conjunction with a 3,516 square-foot theater with live entertainment with 128 seats, having hours of operation are from 10:00 a.m. to 2:00 a.m. daily. The grant also approved a Conditional Use to allow live entertainment and public dancing in conjunction with a theater. The project involves a change of use from art school to theater. The project does not include any additions, exterior structural change or new construction.

According to the Applicant, the profit gained from the operations of the theater and the sale of alcohol will provide the majority of funding for the nonprofit activities that the Lyric Foundation manages on-site, in partnership with the Los Angeles Music Center, the Los Angeles High School of the Arts and the Los Angeles Drama Club.

The presentation of live entertainment at the Lyric Theater shall serve to enrich the experience of those that live in the area, providing options for enjoyable artistic performances, which shall enhance the already existing entertainment and dining options in the neighborhood. The request for on-site full alcohol services seeks to supplement the entertainment offerings with a service that is widely expected and

appreciated by performance-arts patrons. Alcohol service is a common amenity that enhances the social nature of the performances, as found in comparable performing arts venues. Supporters of the project stated that the Lyric Theater has played a fundamental role in developing artists and incubating musical creativity. To supporters, the Lyric Theater is an integral operator in the music scene of Los Angeles. Performance art venues such as the Lyric Theater builds social capital by providing a place for the development of local artists and the opportunities for the community to experience the arts and culture.

As determined by the Central Area Planning Commission on February 26, 2018, and in reference to letters received from the community in opposition and public testimony presented by representatives of nearby religious institutions, schools, property owners and residents who raised legitimate concerns regarding the proposed use of the subject site, citing concerns of alcohol sales with dancing and late hours of operation as proposed being similar to that of a nightclub use. The Central Area Planning Commission required a six (6) month plan approval review in order to review the uses' compatibility with its neighbors and the community. Any future operators must file a new Plan Approval Application to allow the City of Los Angeles to review the mode and character of the usage, to ensure that the subject site will not be used as a nightclub. Therefore, as further modified by this action and that of the Central Los Angeles Area Planning Commission herein, the project will perform a function that is essential and beneficial to the City of Los Angeles.

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

The subject property is a 4,200 square-foot rectangular shaped interior lot having a frontage of 40 feet along the east side of La Brea Avenue. The property is zoned C4-1VL with a Neighborhood Office Commercial land use designation within the Hollywood Community Plan Area. The location of the site is a convenience to residents, employees, visitors, and art patrons because the subject site is located along a major street. The site is also easily accessible by multiple forms of transportation.

The surrounding land uses consist of a mix of residential, religious and commercial uses. Properties to the north of the subject site are zoned C4-1VL and are developed with a range of one to two story commercial buildings that house a variety of retail and restaurant uses. At the end of the block to the north, the property is zoned C4-1VL and is developed with a Jewish school. Properties to the south of the subject site are zoned C4-1VL and are similarly developed with a range of one to two story commercial buildings that house a variety of retail and restaurant uses. Further south, properties are zoned (T)(Q)RAS-1VL and are developed with commercial uses and a large furniture store. Properties to the east of the subject site, across the alley, are zoned RD1.5-1XL, and are developed with a four story multi-residential building. Properties to the west of the subject

site, across North La Brea Avenue, are zoned C4-1VL and are developed with a five story senior residential facility.

The costs of operating a venue and producing live music cannot typically sustain itself through ticket sales or door proceeds alone. The Lyric Theater has operated with the sale of alcohol through the utilization of temporary daily permits issued and purchased from the Department of Alcoholic Beverage Control (ABC). In the year of 2015, the Lyric Theater hosted a total of 130 events from January 7, 2015 to December 18, 2015. ABC issued 48 one to three day permits during 2015. Of the 130 events hosted in 2015, the Lyric Theater was permitted to sell and dispense a full line of alcoholic beverages or beer and wine only for 74 of the events. In the year of 2016, the Lyric Theater hosted a total of 51 events from January 11, 2016 to November 5, 2016. ABC issued 23 one to three day permits during 2016. Of the 51 events hosted in 2016, the Lyric Theater was permitted to sell and dispense a full line of alcoholic beverages or beer and wine only for 47 of the events.

The grant with the imposed conditions provides mitigation methods for any potential effects from the sale and on-site consumption of a full line of alcoholic beverages and patron dancing. The rear door of the premises will be equipped on the inside with an automatic locking device to ensure that noise from the performances will not be heard in the alley adjacent to residential uses. On February 26, 2018, Central Area Planning Commission imposed a condition which shall prohibit patron queuing in front of the subject site, to further mitigate any potential effects from the sale and on-site consumption of alcoholic beverages and protect the welfare and safety of passerby's and prevent loitering. These operating conditions in conjunction with the Monitoring, Verification and Inspection Program (MViP) will allow the City of Los Angeles the opportunity to continue to monitor and verify compliance of the imposed conditions. Therefore, as further modified by this action and that of the Central Area Planning Commission herein, the sale and dispensing of a full line of alcoholic beverages will not adversely affect or further degrade the adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety of the community.

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

There are eleven elements of the General Plan and each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject site is located within the Hollywood Community Plan Map which designates the property for Neighborhood Commercial land uses with corresponding C1, C2, C4, P, RAS3, and RAS4 Zones. The property

is zoned C4-1VL.

The purpose of the Hollywood Community Plan is “to promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community, within the larger framework of the City; guide the development, betterment, and change of the Community to meet existing and anticipated needs and conditions; balance growth and stability; reflect economic potentials and limits, land development and other trends; and protect investment to the extent reasonable and feasible.” (HD-1)

One of the objectives of the plan is to “to coordinate the development of Hollywood with that of other parts of the City of Los Angeles and the metropolitan area” and “to further the development of Hollywood as a major center of population, employment retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.”

The approved grant will allow the sale of a full line of alcoholic beverages for on-site consumption and patron dancing in conjunction with a theater. In addition, it will provide additional revenue that will help with the operational cost of the theater and the operational cost of the non-profit Lyric Foundation, which functions from the subject site. The Lyric Theater is a performing arts venue that encourages the growth and development of local musicians and performers. The project will further the development of Hollywood and the City of Los Angeles as a major center of entertainment and the arts. Therefore, the proposed project will be consistent with the intent of the General Plan and Community Plan.

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

The subject theater is located within the Greater Wilshire neighborhood in close proximity to the Fairfax District within the Hollywood Community Plan area. The Fairfax District has been a center of the Jewish community and is known for the Farmer’s Market, The Grove, CBS Television City broadcasting center, the Los Angeles Museum of the Holocaust in Pan Pacific Park, and the Fairfax Avenue restaurants and shops. The Hollywood Community Plan area has one of the most diversified and densely populated land use patterns in the City of Los Angeles. Hollywood contains multiple centers of commercial and industrial activity, as well as large single-family and multi-family residential neighborhoods. The project is located along La Brea Avenue and is surrounded by a variety of commercial, religious and residential uses.

The Zoning Administrator received, 394 emails, 6 letters and 693 petition signatures which were submitted in support of the project. Emails and letters of support were submitted by community members, patrons, performers, and parents of the Los Angeles Drama Club members. Supporters recommended approval of the project to allow the sale of alcoholic beverages for on-site consumption and patron dancing to help the Lyric Theater generate a revenue to grow its artistic programming and non-profit educational work.

The Zoning Administrator received, 224 emails, 4 letters and 382 petition signatures which were submitted in opposition to the project. Emails and letters of opposition were submitted by concerned community members, concerned parents of the children who attend nearby religious schools, and patrons of nearby religious institutions. Opponents recommended denial of the project due to concerns regarding the lack of parking in the area, potential loitering and increased crime, negative effects of the sale of alcoholic beverages on the children and teens attending nearby schools and other religious institutions, and the impact of noise interfering with activities at nearby schools, businesses, residential uses, senior assisted living residential uses, and religious institutions.

On, February 26, 2018, the Central Area Planning Commission received testimony from residents, business owners, representatives of nearby sensitive uses and community stakeholders who voiced concern for school children and patrons of nearby religious institutions who are impacted by the operation during Jewish religious holidays. To address concerns of noise and safety of passerby's during a period of Jewish holidays, the theater shall remain closed during Passover, Rosh Hashanah and Yom Kippur. The holidays as observed are recognized by City Council and a practice in place which avoids holding public hearing and community meeting during this period.

To mitigate impacts to parking, no other street parking shall be used by the valet service for passenger loading at any time, to ensure that patrons of the theater do not create a nuisance for residential uses in the area.

The grant imposes conditions which require that security measures be implemented to mitigate the negative impacts commonly associated with the sale of alcoholic beverages. Actions of the Zoning Administrator and further modified by the Central Area Planning Commission has imposed a condition requirement for a security plan to be prepared and reviewed by the Los Angeles Police Department. The objectives of the security plan provided by the Lyric Theater are to ensure the safety and comfort of all patrons and employees of the venue, to mitigate and/or eliminate any potential security-related effects on the surrounding community, and to minimize and/or eliminate any potential impact on the resources of the Los Angeles Police Department. On-site security guards will be required not only to ensure the security within the building, but also to patrol the adjoining sidewalks to disperse any loitering and any other undesirable activities that may constitute a public nuisance or result in criminal activities. In response to concerns for noise and safety of passerby's and to further protect the welfare of the community, Actions of the Zoning Administrator and further modified by the Central Area Planning Commission imposed security conditions which increase the number of on-site security guards during live entertainment and D.J. performances to four (4) additional guards. The grant also requires the maintenance of a security log, which will establish the schedule of the security guards on the premises and document any events that take place on the premises and the resulting actions. A security video surveillance camera system shall be maintained on the premises, with a 30-day footage library, with cameras monitoring the front entry, rear entry and alley, the front cashier/receptionist, the bar, and the hallway leading to the



restrooms. Signs will be required to warn patrons at the subject site of nuisance and criminal activities that are not permitted at the site. The posting of such signs will make it easier for security guards to disperse individuals involved in any of the prohibited activities.

To address potential negative impacts on the residential, educational and religious uses, conditions requiring responsible management have been placed to mitigate these impacts. An electronic age verification will be required for on-site usage to ensure consistency in the method of assessing the age of patrons. Employees will undergo training on the sale of alcoholic beverages including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program to ensure that the theater serves alcohol consistently according to standardized best practices, and that theater staff has adequate training to prevent service to obviously intoxicated persons. A complaint hotline and log will allow for the business owner and managers to address any concerns of the community regarding the operation of the site, and will allow for the Zoning Administrator to assess the willingness and ability of the business owner and operator to address complaints that arise from the operation of the theater. The operator is to maintain the premises and adjacent sidewalks as clean and free of litter and debris. Passenger loading shall be limited to loading spaces along La Brea Avenue which shall also apply to any valet service, to deter patrons from loitering and creating noise on residential streets. Other conditions related to excessive noise, litter and noise prevention will safeguard the community. Therefore, with the imposition of such conditions as imposed by the Zoning Administrator and further modified by the Central Area Planning Commission, the sale of alcoholic beverages at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, two on-site and one off-site consumption licenses are allocated to the subject census tract (Census Tract 1919.02). Currently there are 13 on-site licenses and three off-site licenses in this census tract. The applicant is seeking a Type 48 license and proposes to add another on-site license to the Census Tract.

According to statistics provided by the Los Angeles Police Department's Wilshire Division Vice Unit, within Crime Reporting District No. 706, which has jurisdiction

over the subject property, a total of 221 crimes were reported in 2015 (126 Part I and 95 Part II crimes), compared to the city-wide average of 181 offenses and the high crime reporting district of 217 crimes for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (0), Rape (0), Robbery (15), Aggravated Assault (7), Burglary (34), Auto Theft (10), Larceny (60), Part II Crimes reported include, Other Assault (4), Forgery/Counterfeit (0) Embezzlement/Fraud (1), Stolen Property (3), Weapons Violation (0), Prostitution Related (4), Sex Offenses (1), Offenses Against Family (0), Narcotics (22), Liquor Laws (1), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), DUI related (21) and other offenses (2). Of the 221 total crimes reported for the census tract, one arrest was made for liquor laws, one arrest was made for under the influence of alcohol, and 21 arrests were made for driving under the influence. Crime reporting statistics for 2016 are not yet available.

The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, the Zoning Administrator and as further modified by the Central Area Planning Commission is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness. As conditioned, allowing the sale of a full line of alcoholic beverages at the subject location will benefit the public welfare and convenience because it would add an amenity to nearby residences.

The above statistic indicate that the crime rate in the census tract where the subject site is located is higher than the city average. 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 the presence of security guards, surveillance, responsible management 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 project site is zoned for commercial uses and is located within the Hollywood Community Plan with a Neighborhood Office Commercial land use designation. The following sensitive uses are located within a 1,000-foot radius of the site:

Single Family and Multi-Family Residential Uses  
 Jewish Learning Exchange, 512 North La Brea Avenue  
 Yeshivath Torath Emeth Academy, 555 North La Brea Avenue  
 Yeshiva Rav Isacohn, 529 North La Brea Avenue  
 The Rehabilitation Center, 505 North La Brea Avenue  
 Yeshiva Rav Isacohn Torath Emeth Academy, 540 North La Brea Avenue

Torath Emeth Academy, 636 North La Brea Avenue  
Yeshiva Rav Isacohn Torath Emeth Academy, 7011 Clinton Street  
Bnos Devorah High School, 461 North La Brea Avenue  
Bible Study, 444 North La Brea Avenue  
Bikur Cholim House, 613 North Sycamore Avenue  
Congregation Levi Yitzchok, 356 North La Brea Avenue  
The Al & Hedi Azus (Child & Family Services), 6926 Melrose Avenue

Consideration has been given to the distance of the theater use from residential buildings, the religious institutions and the above-referenced sensitive uses. Access to the subject site will be limited to the front door facing La Brea Avenue. The rear of the premises may be used for the load-in and load-out of gear and equipment only between the hours of 10:00 a.m. to 5:00 p.m., daily. The load-in and load-out of equipment after 5:00 p.m. will be done from the front entrance only, and must be appropriately coordinated with the operator. On-site security guards will be provided at the front entry and rear entry to prevent loitering and crime. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring resident and the local employees as well as visitors. Therefore as conditioned and further modified by the Central Area Planning Commission, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

#### **ADDITIONAL MANDATORY FINDINGS**

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas outside of a flood zone.
  
8. On September 9, 2016, the Department of City Planning issued a Mitigated Negative Declaration No. ENV 2016-2548 (MND) and determined that by imposing conditions, project-related impacts could be reduced to less than significant levels (Section 15074, State CEQA Guidelines). I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section.

CHARLES J. RAUSCH, JR.  
INTERIM CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

JACK CHIANG  
HENRY CHU  
LOURDES GREEN  
THEODORE L. IRVING  
ALETA D. JAMES  
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April 4, 2017

Dorothy M. Braun Trust (A)  
520 North La Brea Avenue  
Los Angeles, CA 90036

Lyric, LLC (O)  
520 North La Brea Avenue  
Los Angeles, CA 90036

Kiyoshi Graves (R)  
Urban Planning Studios  
4144 1/2 Sommers Avenue  
Los Angeles, CA 90065

CASE NO. ZA 2016-2548(CUB)(CUX)  
CONDITIONAL USE  
520, 520 1/2 and 522 North La Brea Avenue  
Hollywood Planning Area  
Zone: C4-1VL  
C.D. : 5  
D.M. : 141B181  
CEQA: ENV-2016-2549-MND  
Legal Description: Lot 39, Tract 6740

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 theater featuring live entertainment,

Pursuant to Los Angeles Municipal Code Section 12.24-W,18(a), I hereby APPROVE:

a Conditional Use Permit to allow patron dancing in conjunction with a proposed theater,

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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of the grant.
6. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing, in conjunction with a 3,516 square-foot theater including a 338 square-foot dance floor, featuring live entertainment, subject to the following limitations:
  - a. Indoor seating shall be limited to a maximum of 128 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 for the restaurant shall be limited to 10:00 a.m. to 2:00 a.m., daily. Vendor deliveries shall be conducted between 10:00 a.m. to 5:00 p.m. There shall be no deliveries on Sundays.
  - c. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
7. Public dancing on an approximately 338 square-foot dance floor as an alternative use to theater seating is permitted.
8. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
9. **Prior to the effectuation of this grant**, a building permit to change the use from art school to a theater 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 Department of City Planning to be maintained in the Case File.

10. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
11. **MViP – Monitoring, Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per Section 19.01-E,3 of the Los Angeles Municipal Code for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
12. 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.
13. No additions to the approved site plan such as pool tables, coin-operated games, or video machines shall be permitted on the premises unless approved by the Department of City Planning.

14. **Prior to the utilization of this grant**, an electronic age verification device shall be purchased and retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
15. The applicant shall neither sublet nor rent out the premises to any outside promoters, or for any nightclub type of activity.
16. Patron dancing is permitted with live entertainment only.
17. The applicant/operator shall obtain permits from the Los Angeles Police Department, Commission Investigation Division for Café Entertainment and Show, Live Entertainment and Dance Hall, pursuant to LAMC Sections 103.102 and 103.106. Copies of said permits shall be submitted to the Department of City Planning within 30 days of their issuance for inclusion in the case file.
18. Any use of the establishment for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
19. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
20. **Prior to the effectuation of this grant**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for inclusion in the case file. Fees required per Section 19.01-E, 3 of the Los Angeles Municipal Code for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.
21. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
22. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility. Signs shall be in English and in the predominant language of the facility's clientele.



23. The applicant shall be responsible for maintaining the area adjacent to premises over which they have control, free of litter.
24. The applicant shall be responsible for monitoring both patron and employee conduct on the premises within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
25. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries and trash removal.
26. The rear of the premises used for the load-in and load-out of gear and equipment will be limited to the hours of 10:00 a.m. to 5:00 p.m., daily. The load-in and load-out of equipment after 5:00 p.m. will be done from the front entrance only, and must be appropriately coordinated with the Applicant.
27. **Prior to the beginning of operations**, a camera surveillance system shall be installed by a State licensed contractor to monitor the interior, entrance, exits 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 plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the Department of City Planning and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
28. 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.
29. A security plan for the establishment shall be approved by the Los Angeles Police Department **prior to the beginning of operations**. The Applicant shall provide security both inside and outside the premises. Security provisions, shall be reviewed by the Police Department, Hollywood Vice and their recommendations submitted in writing shall be incorporated into the security plan for on and off-site security. A copy of the approved security plan shall be submitted to the Department of City Planning.
30. Private licensed security guards shall be provided. There shall be at least two security guard on duty at any one shift during operating hours. Security guards will be provided at the front entry and the rear entry. Security personnel shall wear clothing or uniforms that are easily identifiable. The security guard shall regularly patrol the area under the control of the establishment to prevent loitering or undesirable activity by persons around the premises. The security guard must be certified by the State Department Bureau of Consumer Affairs, Bureau and Security and Investigative Services. A copy of the security guard(s) credentials and contract shall be to provide to the Department of City Planning.
31. Security guards shall regularly patrol the area under the control of the establishment including the adjacent sidewalks, to prevent loitering and any other undesirable

activities by persons around the premises. The security guards shall not impede, obstruct, or delay any law enforcement personnel conducting inspections or official business on the premises.

32. Security personnel shall maintain weekly patrol logs indicating any nuisance behaviors, criminal activities, and violations to these Conditions. The log shall contain the names of the guards, check-in and check-out times of the guards, and the dates, times, and places of occurrence and descriptions of the nuisance/criminal activities, law enforcement incidents, and other violations. The patrol log shall be provided upon request by the Los Angeles Police Department, the Department of City Planning, or any Federal, State, or City agency, and shall be included with subsequent applications for Plan Approval for inclusion in the case file.
33. **Prior to the beginning of operations**, 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 Department of City Planning within 30 days of the beginning day of operation of the establishment. The statement shall read as follows,

*We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction the theater, known as The Lyric Theater, and agree to abide and comply with said conditions.*

34. **Prior to the beginning of operations**, 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 Department of City Planning for inclusion in the Case File.

35. Within the **first six months of the beginning of operations** at this establishment, all employees involved with the sale of a full line of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2016-2548-CUB, from the Police Department to the Department of City Planning 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.

36. Passenger loading shall be limited to passenger loading spaces along La Brea Avenue which shall also apply to any valet service. No other street parking shall be used by the valet service for passenger loading at any time.
37. The applicant shall prepare and implement an incentive program to encourage employees to walk, bike, use public transit or carpool to work. Said program may include but not be limited to: subsidies for public transit and installation of bike racks. A copy of the program shall be submitted to the Department of City Planning for inclusion in the file.

**The mitigation measure identified in the Environmental Clearance Case No. ENV 2016-2549-MND is included below as Condition No. 38**

38. Prior to the issuance of building permits, the Applicant shall have the proposed plot plan/floor plan reviewed by the Los Angeles Police Department's community Relations Division located at 100 West 1<sup>st</sup> Street, #250, Los Angeles, CA 90012; (213) 486-6000.
39. **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 (b).
- (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 (b).

- (v) If the City determines it necessary to protect the City's interests, 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, commission, committees, employees and volunteers.

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

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

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

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial

approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

### **APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **APRIL 19, 2017**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

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

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

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

### **NOTICE**

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on October 25, 2016 all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use under the provisions of Section 12.24-W,1 and Section 12.24-W,18(a) have been established by the following facts:

#### BACKGROUND

The subject property is a 4,200 square-foot rectangular interior lot having a frontage of approximately 40 feet along the east side of La Brea Avenue. Other addresses included on the subject property include 522 North La Brea Avenue and 520 ½ North La Brea Avenue. The subject property is zoned C4-1VL with a Neighborhood Office Commercial land use designation within the Hollywood Community Plan Area. The project is also located within a Neighborhood Conservation ICO (ZI-2443), a Transit Priority Area in the City of Los Angeles (ZI-2452), and a Los Angeles State Enterprise Zone (ZI-2374).

The subject property is developed with a single story 3,516 square-foot Art School as established by a Certificate of Occupancy issued on January 27, 1958. Patron access to the subject site is located along La Brea Avenue. The subject site has been operating as the Lyric Theater since 2007 presenting various types of live entertainment and performing arts.

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 3,516 square-foot theater with live entertainment with 128 seats, having hours of operation are from 10:00 a.m. to 2:00 a.m. daily. The request also entails a Conditional Use to allow live entertainment and public dancing in conjunction with a theater. On June 1, 2016, the Department of Building and Safety issued a building permit for a tenant improvement and change of use from private school to theater with a lounge under Building Permit No. 16010-10000-00733.

In the year of 2015, the Lyric Theater hosted a total of 130 events from January 7, 2015 to December 18, 2015. The Alcoholic Beverage Control State Agency (ABC) issued 48 one to three day permits during 2015. Of the 130 events hosted in 2015, the Lyric Theater was permitted to sell and dispense a full line of alcoholic beverages or beer and wine only for 74 of the events. In the year of 2016, the Lyric Theater hosted a total of 51 events from January 11, 2016 to November 5, 2016. ABC issued 23 one to three day permits during 2016. Of the 51 events hosted in 2016, the Lyric Theater was permitted to sell and dispense a full line of alcoholic beverages or beer and wine only for 47 of the events.

Properties to the north of the subject site are zoned C4-1VL and are developed with a range of one to two story commercial buildings that house a variety of retail and restaurant uses. At the end of the block to the north, properties are zoned C4-1VL and are developed with a Jewish school.

Properties to the south of the subject site are zoned C4-1VL and are similarly developed with a range of one to two story commercial buildings that house a variety of retail and

restaurant uses. Further south, properties are zoned (T)(Q)RAS-1VL and are developed with commercial uses and a large furniture store.

Properties to the east of the subject site, across the alley, are zoned RD1.5-1XL, and are developed with a four story multi-residential building.

Properties to the west of the subject site, across North La Brea Avenue, are zoned C4-1VL and are developed with a five story senior residential facility.

La Brea Avenue, adjoining the subject site to the west, is designated as a Modified Avenue I, dedicated to a varying width of 100 feet to 102 feet and improved with curb, gutter and sidewalk.

The alley, adjoining the subject site to the east, has a width of 20 feet and is paved.

#### **Previous Cases, affidavits, permits, and orders on the subject property:**

Building Permit No. 16016-10000-00733 – On June 1, 2016, the Department of Building and Safety issued a building permit for a tenant improvement and change of use from art school to theater with lounge. No additional on-site parking required.

Certificate of Occupancy No. LA 69768-57 – On January 27, 1958, the Department of Building and Safety issued a Certificate of Occupancy for a “30 x 40’ Adult Training School converted from a portion of an existing 1-story, type V, 30’ x 95’ Commercial Building. B-2 Occupancy.”

#### **Cases on surrounding Properties:**

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. Past cases include:

Case No. ZA 2006-10499(CUB)(CU) – On July 24, 2008, the Zoning Administrator approved a Conditional Use to permit the continued sale of beer and wine only for on- and off-site sales located at 615 North La Brea Avenue.

Case No. ZA 2006-6383(CUB) – On November 29, 2006, the Zoning Administrator approved a request for a Conditional Use Permit to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption located at 609-611 North La Brea Avenue.

#### **PUBLIC CORRESPONDENCE**

##### **Correspondence in Support**

392 emails were sent and received from October 26, 2016 to November 8, 2016, in support of the project to help the Lyric continue to grow its artistic programming and non-profit educational work via the venue generated by on-site alcohol sales.

Email dated October 25, 2016 from Carolyn Mason LeCompte.



Email dated October 24, 2016 from Lyndi Vaughan.

Letter dated October 19, 2016 from Aaron Silbering.

Letter dated October 14, 2016 from Philip A. Farha, secretary of the Land Use Committee, Greater Wilshire Neighborhood Council.

Letter dated October 12, 2016 from Ember Nardiello.

Letter dated September 20, 2016 from Anastasia Kaufman.

Letter dated September 20, 2016 from Chris Totushek.

Email dated September 20, 2016 from John P. Stiles.

Letter dated September 20, 2016 from Tessa Sallow.

Email dated September 19, 2016 from Sean Ortega.

#### Correspondence in Opposition

218 emails were sent and received from October 28, 2016 to November 8, 2016, in opposition of the project with the following concerns:

- They expect up to 318 people on site and are providing no parking. This will result in dozens or even hundreds of cars looking for parking on residential streets nightly and taking scarce spaces from residents, guests and patrons of existing business and institutions. These patrons will not only have to look for parking in our neighborhood when arriving, but will be returning with alcohol in their systems, back to their cars. They will be operating their vehicles as they leave, having consumed alcohol, making alcohol fueled accidents, injuries, and property damage inevitable, leaving only the degree and frequency in question.
- Late night patrons vomiting, urinating and yelling late at night as they return to their cars on residential streets. This happens in other areas. We do not want it in our neighborhood.
- Liquor service, day and night, having negative effects on the children and teens attending nearby schools and other religious institutions in the area.
- Noise interfering with activities at nearby schools, businesses, homes, senior assisted living residence and religious institutions. It is not sufficient to put conditions on the permit because we know from experience that conditions are difficult or impossible to enforce. Moreover, any alcohol being sold on the premises on a regular basis between the hours of 4 p.m. and 2 a.m. will affect out residents and neighborhood negatively in the ways described above. In order to avoid harming ourselves and our community, the application must be denied.

Emailed dated October 24, 2016 from Daniel Farasat.

Email dated October 20, 2016 from Yakov Krause, Dean of Yeshiva Rav Isacsohn Toras Emes Academy.

Emails dated October 6, 2016 and October 19, 2016, from David Shadovitz.

Email dated October 5, 2016 from Leah and Nathan Reiss.

Email dated October 4, 2016 from Carol Chun.

Email dated October 1, 2016 from Ilana Korchek.

Email dated September 28, 2016 from Roberta Solomon.

Letter dated September 28, 2016 from Shulamith Y. My, Head of School, Dnos Devorah High School.

Letter dated September 27, 2016 from Lawrence Polon, requesting that the public hearing be moved to another date.

Letter dated September 21, 2016 from Lawrence Polon.

Letter dated September 17, 2016 from Mark and Miriam Kohn.

### **PUBLIC HEARING**

The public hearing was held on Wednesday, October 25, 2016 at approximately 12 noon at the City Hall, 200 North Spring Street, Room 1010. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The public hearing was attended by the applicant's representative. About 80 people attended the hearing.

John Darnell, District Director of the Western District Office for Councilmember Koretz (Council District 5) presented the following:

- We request that in reverence to the Jewish holiday that the Department of City Planning keep the case under advisement until November 8, 2016.

Kiyoshi Graves of Urban Planning Studios representing the Lyric Theater for the proposal presented the following:

- This is a request for a change of use for a 3,516 square foot adult school into a proposed theater with live entertainment consisting of bands, DJs comedy shows, theater performances and education programming and the creation of a new 400 square foot dance floor
- The Lyric Theater is a family owned and operated establishment focusing on showing live music entertainment and comedy and a non-profit foundation that focuses on educational programming
- The availability of alcohol at their shows will help bolster the financial strength of this entity
- The hours of alcohol were chosen so as not to overlap with the majority of education programming at neighboring institutions and the Hours have been memorialized in the security plan prepared for the project.

- The current application also requests patron dancing which is intended to expand the range of services available to patrons, since at some shows, people may choose to participate by dancing
- The Lyric Theatre has a nine year history of producing live performance event through their production entity, and on-site alcohol service has been conducted with permits from the ABC; these events have been managed responsibly, and have not resulted in any calls for service from LAPD
- The project has a change of use permit and no parking is required
- We have done extensive outreach to the adjacent neighbors and surrounding community and groups [Summary of outreach activities as included in handout presented to hearing officer]
- The Lyric staff has completed S.T.A.R. training
- In nine years of programming there have not been any issues with queuing outside the facility
- We have commissioned a noise study regarding noise impacts, all of which are in compliance with all existing City ordinances
- We have done several outreach meetings with the community, and in addition, the applicant went door to door to get signatures in support of the project. The Wilshire Neighborhood Council (NC) board voted in support of the project and we have had several meetings with the Council District 5, Mr. Shawl Bayliss, Planning Deputy
- The applicant and the representative met with Sargeant Hernandez to develop a security plan, and a copy of the security was submitted at the hearing.

Ryan Brain representing the Lyric Theater for the proposal presented the following:

- I am here to speak about a project my family and I have supported and developed over the past ten years
- My mother, Dorrie Braun set out to establish a communal space for artists and educators, in 2006 she established the Lyric Foundation and re-opened this 99-seat theater and serves on the Board for the Los Angeles High Schools of the Arts and allowed access to this theater for underserved youth
- After strictly non-profit programming, a decision had to be made in the face of economic hardship, to create a competitive arts facility that would provide a place for programming, so that the nonprofit side will not have to close its doors
- The Lyric Presents provides about 150 shows per year with a ABC permit and we comply with the all permit regulations
- We are the home of the Los Angeles Drama Club, and have support from Quincy Jones to help keep preserving the Jazz culture and history in America
- We are here to secure a stream of revenue that is necessary for us to continue on, entertainment venues can no longer exist without an alcohol license
- Allowing this will enable us to contribute to the cultural renaissance of Los Angeles

Erin Earl representing the Lyric Theater for the proposal presented the following:

- I am the Director of operations for The Lyric Presents, I am the first point of contact for all issues related to security
- Guards 1 & 2 are at the entry to check patron IDs and writ band guests, and then later Guard 2 is moved to the main floor
- Guard 3 patrols the lounge and hallway
- Guard 4 is responsible for monitoring the back door and alley

- There are 8 security cameras in place [Mr. Earl proceeded to describe the areas that each of those cameras monitors, including La Brea (the front of the facility), the ticket entrance, the event space, the lounge, the hallway that leads to the restroom, and the back door entrance]
- Exterior Security Lighting zones cover the front and back of the building and entrances [described in detail by Mr. Earl]
- Security guards are available to walk patrons to their cars
- I love working at the Lyric, and I hope that this place is here for many more years to come

Note: Security Guard Plan, Security Camera Plan, Security Lighting Plan, and Security Escort Plan Exhibits were submitted to the hearing officer and described as per above; copies of the exhibits are located in the case file

Aaron Betit of Acentech representing the Lyric Theater for the proposal presented the following:

- We were hired to do an acoustical analysis of this establishment
- We determined that the regular activity at this establishment was operating in compliance with the City Noise Ordinance
- Furthermore, The Lyric has chosen to be a good neighbor and in an effort to reduce their noise impact, has upgraded the roof assembly to further mitigate any noise impacts

Hunter Hill representing the Lyric Theater for the proposal presented the following:

- I have participated in the comedy program
- There so many beautiful people here
- This is a place for sincere comedy fans
- I have attended open mike nights and there is no drink minimum
- I support the project

Michele Andrus affiliated with the Los Angeles High School of Arts for the proposal presented the following:

- I am with the Los Angeles High School of Arts and our partnership with the Lyric allows for access to professional artists
- They are committed to our students who are 100% disadvantaged
- This is a venue for the kids to play in
- This location is prime for the high school presentations and fundraising activities and the owner is our Board
- This establishment is well respected by the staff at the school
- I am here representing LAUSD [the Los Angeles Unified School District] and I am here to support the development of the program that is highly respected
- The Lyric represents justice and is a social justice theater with healing arts

Johana Macdonald affiliated with the Los Angeles High School of Arts for the proposal presented the following:

- I support this project because it provides access to the arts
- They are willing to open their doors to our students and they are able to shadow performers in a real life setting
- They are treated like professional artists with a tech crew and are receiving a comprehensive education

Julia Wyson affiliated with the Los Angeles Drama Club for the proposal presented the following:

- I am here on behalf of the LA Drama Club
- This is a local nonprofit cast
- 100% of the children are disadvantaged
- They feel respected as artists, and they are able to perform in a real theater here
- I am supportive of the project
- This is not a nightclub and there are no instances where the kids are not safe or cared for

Natalie Hernandez affiliated with Quincy Jones Productions for the proposal presented the following:

- I am here on behalf of Quincy Jones productions
- The owners run a very high quality venue
- Our focus is the preservation of and education of jazz in the United States
- This establishment is an incubator for Los Angeles culture
- And the Lyric is deserving of this privilege

Sean Gaynor affiliated with the Lyric Theater for the proposal presented the following:

- I am a music programmer and I learned at the Lyric
- They helped me establish a professional career for myself
- This is a major music venue in Los Angeles and is serviced by major music like live nation and golden voice
- This is a historic environment celebrated by young artists
- Andres received a major record deal and opened for Beyoncé and he got his start here
- This serves as an integral link to global pop culture
- They provide jobs to the entire community

Mike Newfeld affiliated with the 5M Group LLC for the proposal presented the following:

- They have shown respect to the local community
- They are mindful of their impacts on the neighbors and should continue doing what they do
- This establishment is very responsibly operated

Lisa Klein spoke for the proposal and presented the following:

- This establishment is very responsibly run
- What you see is what you get with them
- This is very unusual, as safety is a huge concern for them, compared to other clubs
- They have shown a lot of generosity, they help the children
- And I have personally benefitted from their generosity

Y Fray affiliated with the Lyric Theater for the proposal presented the following:

- I am the bookkeeper for this establishment
- I am proud to see them grow
- I see the checks they write to support community groups
- I have been in this business for 30 years

- They run their business with integrity
- And they pay their vendors on time
- I'm one of the jobs that they have created

James Ghaleb affiliated with the Lyric LA for the proposal presented the following:

- I owe the Lyric for giving me my start
- I have performed all over live
- They provide a clean and safe environment
- And they respect the audience
- I hope that they get this to improve their business

Anthony River spoke for the proposal presented the following:

- I'm a college student from Long Beach
- This Lyric is a diverse environment
- I feel safe there
- They keep their ticket prices low so a lot of people can participate
- The audience represents Los Angeles as a whole
- Getting their liquor license will help improve their business and I support them

Benjamin Lipson a client/patron for the proposal presented the following:

- I am scheduled to perform there on March 3
- I was brought into the community by The Lyric Presents
- I have been treated with respect
- I understand how important this place is, and how special it is on a community level
- The operation will substantially benefit from this license

Twain Wilson affiliated with the Lyric for the proposal presented the following:

- I have been a security host at the Lyric for one year
- It is my pleasure to provide security here
- I love working here
- This place is outstanding as are the owners
- This is a world class establishment and I'm here to support the Lyric
- The musician are awesome and the customers are outstanding
- We need the Lyric

After public testimony, the public hearing officer made the announcement that the case would be held under advisement and any communication regarding this request should be submitted to the Department of City Planning no later than the close of business on Tuesday, November 8, 2016.

**CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES**

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

No conditions were recommended for consideration.

### **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a plan approval 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 patron dancing to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

### **FINDINGS**

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

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

The subject property is developed with a single story 3,516 square-foot Art School as established by a Certificate of Occupancy issued on January 27, 1958. On June 1, 2016, the Department of Building and Safety issued a building permit for a tenant improvement and change of use from private school to theater with a lounge under Building Permit No. 16010-10000-00733. The Department of Building and Safety determined that additional parking will not be required under Building Permit No. 16010-10000-00733. The project does not propose to any changes to the location, size, and height.

The subject site has been operating as the Lyric Theater since 2007 presenting various types of live entertainment and performing arts. They host live music in the form of bands and DJs, comedy nights, and theater performances including student workshops and plays. The applicant operates the theater under the legal entity, Lyric Presents LLC and supports the Lyric Foundation within the same space. The Lyric Foundation provides educational activities and invites in teacher and staff from other institutions to make use of the space for workshops and other informational gatherings. The Lyric Foundation has also created partnerships with other non-profit arts entities to collaborate on creative endeavors and educational opportunities.

The subject grant approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and patron dancing in conjunction with a 3,516 square-foot theater with live entertainment with 128 seats, having hours of operation are from 10:00 a.m. to 2:00 a.m. daily. The grant also approved a Conditional Use to allow live entertainment and public dancing in conjunction with a theater. The project involves a change of use from art school to theater. The project does not include any additions, exterior structural change or new construction.

According to the Applicant, the profit gained from the operations of the theater and the sale of alcohol will provide the majority of funding for the nonprofit activities that the Lyric Foundation manages on-site, in partnership with the Los Angeles Music Center, the Los Angeles High School of the Arts and the Los Angeles Drama Club.

The presentation of live entertainment at the Lyric Theater shall serve to enrich the experience of those that live in the area, providing options for enjoyable artistic performances, which shall enhance the already existing entertainment and dining options in the neighborhood. The request for on-site full alcohol services seeks to supplement the entertainment offerings with a service that is widely expected and appreciated by performance-arts patrons. Alcohol service is a common amenity that enhances the social nature of the performances, as found in comparable performing arts venues. Supporters of the project stated that the Lyric Theater has played a fundamental role in developing artists and incubating musical creativity. To supporters, the Lyric Theater is an integral operator in the music scene of Los Angeles. Performance art venues such as the Lyric Theater builds social capital by providing a place for the development of local artists and the opportunities for the community to experience the arts and culture. Any future operators must file a new Plan Approval Application to allow the City of Los Angeles to review the mode and character of the usage, to ensure that the subject site will not be used as a nightclub. Therefore, with the imposition of conditions on the grant, the project will perform a function that is essential and beneficial to the City of Los Angeles.

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

The subject property is a 4,200 square-foot rectangular shaped interior lot having a frontage of 40 feet along the east side of La Brea Avenue. The property is zoned C4-1VL with a Neighborhood Office Commercial land use designation within the Hollywood Community Plan Area. The location of the site is a convenience to residents, employees, visitors, and art patrons because the subject site is located along a major street. The site is also easily accessible by multiple forms of transportation.

The surrounding land uses consist of a mix of residential, religious and commercial uses. Properties to the north of the subject site are zoned C4-1VL and are developed with a range of one to two story commercial buildings that house a variety of retail and restaurant uses. At the end of the block to the north, the property is zoned C4-1VL and is developed with a Jewish school. Properties to the south of the subject



site are zoned C4-1VL and are similarly developed with a range of one to two story commercial buildings that house a variety of retail and restaurant uses. Further south, properties are zoned (T)(Q)RAS-1VL and are developed with commercial uses and a large furniture store. Properties to the east of the subject site, across the alley, are zoned RD1.5-1XL, and are developed with a four story multi-residential building. Properties to the west of the subject site, across North La Brea Avenue, are zoned C4-1VL and are developed with a five story senior residential facility.

The costs of operating a venue and producing live music cannot typically sustain itself through ticket sales or door proceeds alone. The Lyric Theater has operated with the sale of alcohol through the utilization of temporary daily permits issued and purchased from the Department of Alcoholic Beverage Control (ABC). In the year of 2015, the Lyric Theater hosted a total of 130 events from January 7, 2015 to December 18, 2015. ABC issued 48 one to three day permits during 2015. Of the 130 events hosted in 2015, the Lyric Theater was permitted to sell and dispense a full line of alcoholic beverages or beer and wine only for 74 of the events. In the year of 2016, the Lyric Theater hosted a total of 51 events from January 11, 2016 to November 5, 2016. ABC issued 23 one to three day permits during 2016. Of the 51 events hosted in 2016, the Lyric Theater was permitted to sell and dispense a full line of alcoholic beverages or beer and wine only for 47 of the events.

The grant with the imposed conditions provides mitigation methods for any potential effects from the sale and on-site consumption of a full line of alcoholic beverages and patron dancing. The rear door of the premises will be equipped on the inside with an automatic locking device to ensure that noise from the performances will not be heard in the alley adjacent to residential uses. These operating conditions in conjunction with the Monitoring, Verification and Inspection Program (MViP) will allow the City of Los Angeles the opportunity to continue to monitor and verify compliance of the imposed conditions. Therefore, as conditioned, the sale and dispensing of a full line of alcoholic beverages will not adversely affect or further degrade the adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety of the community.

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

There are eleven elements of the General Plan and each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject site is located within the Hollywood Community Plan Map which designates the property for Neighborhood Commercial land uses with corresponding C1, C2, C4, P, RAS3, and RAS4 Zones. The property is zoned C4-1VL.

The purpose of the Hollywood Community Plan is "to promote an arrangement of

land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community, within the larger framework of the City; guide the development, betterment, and change of the Community to meet existing and anticipated needs and conditions; balance growth and stability; reflect economic potentials and limits, land development and other trends; and protect investment to the extent reasonable and feasible.” (HD-1)

One of the objectives of the plan is to “to coordinate the development of Hollywood with that of other parts of the City of Los Angeles and the metropolitan area” and “to further the development of Hollywood as a major center of population, employment retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.”

The approved grant will allow the sale of a full line of alcoholic beverages for on-site consumption and patron dancing in conjunction with a theater. In addition, it will provide additional revenue that will help with the operational cost of the theater and the operational cost of the non-profit Lyric Foundation, which functions from the subject site. The Lyric Theater is a performing arts venue that encourages the growth and development of local musicians and performers. The project will further the development of Hollywood and the City of Los Angeles as a major center of entertainment and the arts. Therefore, the proposed project will be consistent with the intent of the General Plan and Community Plan.

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

The subject theater is located within the Greater Wilshire neighborhood in close proximity to the Fairfax District within the Hollywood Community Plan area. The Fairfax District has been a center of the Jewish community and is known for the Farmer’s Market, The Grove, CBS Television City broadcasting center, the Los Angeles Museum of the Holocaust in Pan Pacific Park, and the Fairfax Avenue restaurants and shops. The Hollywood Community Plan area has one of the most diversified and densely populated land use patterns in the City of Los Angeles. Hollywood contains multiple centers of commercial and industrial activity, as well as large single-family and multi-family residential neighborhoods. The project is located along La Brea Avenue and is surrounded by a variety of commercial, religious and residential uses.

394 emails, 6 letters and 693 petition signatures were submitted in support of the project. Emails and letters of support were submitted by community members, patrons, performers, and parents of the Los Angeles Drama Club members. Supporters recommended approval of the project to allow the sale of alcoholic beverages for on-site consumption and patron dancing to help the Lyric Theater generate a revenue to grow its artistic programming and non-profit educational work.

224 emails, 4 letters and 382 petition signatures were submitted in opposition to the project. Emails and letters of opposition were submitted by concerned community members, concerned parents of the children who attend nearby religious schools, and patrons of nearby religious institutions. Opponents recommended denial of the

project due to concerns regarding the lack of parking in the area, potential loitering and increased crime, negative effects of the sale of alcoholic beverages on the children and teens attending nearby schools and other religious institutions, and the impact of noise interfering with activities at nearby schools, businesses, residential uses, senior assisted living residential uses, and religious institutions.

To mitigate impacts to parking, no other street parking shall be used by the valet service for passenger loading at any time, to ensure that patrons of the theater do not create a nuisance for residential uses in the area.

The grant imposes conditions which require that security measures be implemented to mitigate the negative impacts commonly associated with the sale of alcoholic beverages. The Zoning Administrator has imposed a condition requirement for a security plan to be prepared and reviewed by the Los Angeles Police Department. The objectives of the security plan provided by the Lyric Theater are to ensure the safety and comfort of all patrons and employees of the venue, to mitigate and/or eliminate any potential security-related effects on the surrounding community, and to minimize and/or eliminate any potential impact on the resources of the Los Angeles Police Department. On-site security guards will be required not only to ensure the security within the building, but also to patrol the adjoining sidewalks to disperse any loitering and any other undesirable activities that may constitute a public nuisance or result in criminal activities. The grant also requires the maintenance of a security log, which will establish the schedule of the security guards on the premises and document any events that take place on the premises and the resulting actions. A security video surveillance camera system shall be maintained on the premises, with a 30-day footage library, with cameras monitoring the front entry, rear entry and alley, the front cashier/receptionist, the bar, and the hallway leading to the restrooms. Signs will be required to warn patrons at the subject site of nuisance and criminal activities that are not permitted at the site. The posting of such signs will make it easier for security guards to disperse individuals involved in any of the prohibited activities.

To address potential negative impacts on the residential, educational and religious uses, conditions requiring responsible management have been placed to mitigate these impacts. An electronic age verification will be required for on-site usage to ensure consistency in the method of assessing the age of patrons. Employees will undergo training on the sale of alcoholic beverages including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program to ensure that the theater serves alcohol consistently according to standardized best practices, and that theater staff has adequate training to prevent service to obviously intoxicated persons. A complaint hotline and log will allow for the business owner and managers to address any concerns of the community regarding the operation of the site, and will allow for the Zoning Administrator to assess the willingness and ability of the business owner and operator to address complaints that arise from the operation of the theater. The operator is to maintain the premises and adjacent sidewalks as clean and free of litter and debris. Passenger loading shall be limited to loading spaces along La Brea Avenue which shall also apply to any valet service, to deter patrons from loitering and creating noise on residential streets. Other conditions related to excessive noise, litter and noise prevention will safeguard the community. Therefore, with the imposition of such conditions the sale of alcoholic beverages at this location will not adversely affect or

further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, two on-site and one off-site consumption licenses are allocated to the subject census tract (Census Tract 1919.02). Currently there are 13 on-site licenses and three off-site licenses in this census tract. The applicant is seeking a Type 48 license and proposes to add another on-site license to the Census Tract.

According to statistics provided by the Los Angeles Police Department's Wilshire Division Vice Unit, within Crime Reporting District No. 706, which has jurisdiction over the subject property, a total of 221 crimes were reported in 2015 (126 Part I and 95 Part II crimes), compared to the city-wide average of 181 offenses and the high crime reporting district of 217 crimes for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (0), Rape (0), Robbery (15), Aggravated Assault (7), Burglary (34), Auto Theft (10), Larceny (60), Part II Crimes reported include, Other Assault (4), Forgery/Counterfeit (0) Embezzlement/Fraud (1), Stolen Property (3), Weapons Violation (0), Prostitution Related (4), Sex Offenses (1), Offenses Against Family (0), Narcotics (22), Liquor Laws (1), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), DUI related (21) and other offenses (2). Of the 221 total crimes reported for the census tract, one arrest was made for liquor laws, one arrest was made for under the influence of alcohol, and 21 arrests were made for driving under the influence. Crime reporting statistics for 2016 are not yet available.

The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness, and additional conditions have been recommended for further consideration by the state of California Department of Alcohol Beverage Control as conditions on the alcohol license. As conditioned, allowing the sale of a full line of alcoholic beverages at the subject location will benefit the public welfare and convenience because it would add an amenity to nearby residences.

The above statistic indicate that the crime rate in the census tract where the subject site is located is higher than the city average. 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 the presence of security guards, surveillance, responsible management 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 project site is zoned for commercial uses and is located within the Hollywood Community Plan with a Neighborhood Office Commercial land use designation. The following sensitive uses are located within a 1,000-foot radius of the site:

Single Family and Multi-Family Residential Uses  
Jewish Learning Exchange, 512 North La Brea Avenue  
Yeshivath Torath Emeth Academy, 555 North La Brea Avenue  
Yeshiva Rav Isacohn, 529 North La Brea Avenue  
The Rehabilitation Center, 505 North La Brea Avenue  
Yeshiva Rav Isacohn Torath Emeth Academy, 540 North La Brea Avenue  
Torath Emeth Academy, 636 North La Brea Avenue  
Yeshiva Rav Isacohn Torath Emeth Academy, 7011 Clinton Street  
Bnos Devorah High School, 461 North La Brea Avenue  
Bible Study, 444 North La Brea Avenue  
Bikur Cholim House, 613 North Sycamore Avenue  
Congregation Levi Yitzchok, 356 North La Brea Avenue  
The Al & Hedi Azus (Child & Family Services), 6926 Melrose Avenue

Consideration has been given to the distance of the theater use from residential buildings, the religious institutions and the above-referenced sensitive uses. Access to the subject site will be limited to the front door facing La Brea Avenue. The rear of the premises may be used for the load-in and load-out of gear and equipment only between the hours of 10:00 a.m. to 5:00 p.m., daily. The load-in and load-out of equipment after 5:00 p.m. will be done from the front entrance only, and must be appropriately coordinated with the operator. On-site security guards will be provided at the front entry and rear entry to prevent loitering and crime. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring resident and the local employees as well as visitors. Therefore as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

#### **ADDITIONAL MANDATORY FINDINGS**

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

172,081, have been reviewed and it has been determined that this project is located in Zone X, areas outside of a flood zone.

8. On September 9, 2016, the Department of City Planning issued a Mitigated Negative Declaration No. ENV 2016-2548 (MND) and determined that by imposing conditions, project-related impacts could be reduced to less than significant levels (Section 15074, State CEQA Guidelines). I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section.

Inquiries regarding this matter shall be directed to Joann Lim, Planning Staff for the Department of City Planning at (213) 202-5441.



ALETA D. JAMES  
Associate Zoning Administrator

ADJ:VS:JL

cc: Councilmember Paul Koretz  
Fifth Council District  
Adjoining Property Owners