

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.