

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
THEODORE L. IRVING
ALETA D. JAMES
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271
KEVIN J. KELLER, AICP
DEPUTY DIRECTOR
(213) 978-1272
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274
JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273

<http://planning.lacity.org>

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 1st 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 our 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 Isaacsohn 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 chance 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 wrist 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