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July 24, 2018

VIA EMAIL

Council President Wesson and Honorable Councilmembers
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012-4801
Attn: Sharon Dickinson, Deputy City Clerk
Sharon.Dickinson@lacity.org

Re: Opposition to Application for Determination of Public Convenience or Necessity for the Lyric Theatre (520 N. La Brea Ave.): Council File 18-0166-S2

Dear Council President Wesson and Honorable Councilmembers:

Yeshiva Rav Isacsohn Torath Emeth Academy (“Torath Emeth”), an orthodox Jewish school **servicing over 1,000 young children from ages 2 to 14**, and other nearby religious and community sensitive uses, are strongly opposed to a Public Convenience or Necessity determination for the Lyric Theatre. The Lyric intends to operate a concert venue, nightclub and theater with alcohol service at this location just 120 feet away from Torath Emeth. There are at least **13 other religious and community sensitive uses** within the block and in the immediate area.

We respectfully request that the City Council deny the Lyric’s application for determination of Public Convenience or Necessity.

In addition to Torath Emeth, other sensitive uses located nearby include the **Jewish Learning Exchange** (a synagogue), **Bnos Devorah High School**, **Congregation Kollel Yechiel Yehuda**, **Bais Yaakov School for Girls**, **Bikur Cholim House**, **Congregation Levi Yizchok**, **City View** (seniors residences/assisted living), and **La Brea Rehabilitation Center** (nursing home/rehabilitation). Each of them, along with the **California Rabbinical Council** and **over 700 residents in the immediate surrounding residential community have opposed the issuance of any determination, permits and licenses** to allow the Lyric to operate with alcohol service.

The Council should deny the request on the following grounds:

1. The approval of a determination of Public Convenience or Necessity (PCN) is premature. On March 20, 2018, Torath Emeth filed an appeal of the Mitigated Negative Declaration (MND) associated with the conditional use permits for alcohol sales and dancing granted by the Central Area Planning Commission. On March 23, 2018, many of the other sensitive uses in the community also filed appeals of the MND. Finally, on June 15, 2018,

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Torath Emeth followed up on its appeal in a letter to the City Council Planning and Land Use Management Committee. (See CF 18-0166-S1.) Given the multiple appeals of the MND, no action can be taken by the City to approve a PCN determination until the City Council takes action on the CEQA appeals. Any such action prior to the determination of the adequacy of the MND would violate CEQA.

2. The Lyric's previous request for an alcoholic beverage license from the California Department of Alcohol Beverage Control (ABC) was withdrawn (see CF 18-0166). According to the Supervising Agent in Charge of ABC's Los Angeles office, the Lyric is not eligible to apply for a new license until February 22, 2019. (See attached email from the Supervising Agent.) Nonetheless, Lyric has applied for a new license with ABC (and a new PCN application with the City). Because Lyric is not yet eligible to apply for a new license, their PCN application should be denied.

3. The ABC has determined through its own rulemaking that licenses generally should not be issued to premises within 100 feet of a residence, because the operation of a business selling alcoholic beverages presumptively interferes with the quiet enjoyment of residents' property. The Lyric intends to operate within 100 feet of two large residential buildings. The Council should credit ABC's presumption against allowing businesses selling alcoholic beverages in close proximity to residences and deny the Lyric's PCN application.

4. The Lyric has not properly noticed the community of its PCN application. A PCN application requires applicants to notice abutting property owners. The notice list attached to the Lyric's application is defective for nearly 30 intended recipients due to misspelling 525 North Sycamore Avenue as "525 N Sucarmore Ave." It is unknown whether those notices were properly delivered. Further, in a call to the City Clerk's office, an "abutting property" was described as including properties across the street and kitty-corner to a given property. The Lyric's notice list does not include properties that fall within that definition, such as the CityView Retirement Community at 515 North La Brea Avenue, which is located directly across the street from the applicant's premises. To ensure community participation in the process, the Lyric must cure these defects before the Council should consider the application.

5. There is a clear over-concentration of alcohol sales within the area. There are 13 on-site and 3 off-site ABC alcohol licenses in the Lyric's census tract, far exceeding the ABC's licensing criteria of 2 on-site and 1 off-site licenses in the census tract.

6. As noted in a recent City report, the 221 reported crimes in the reporting district where the Lyric property is located, exceeded both the citywide average and the average for high-crime reporting districts. The reported crimes is **22 percent greater** than the Citywide average.

7. The Lyric does not have a single parking space. The addition of a seven-day-a week concert venue and nightclub open until 2:00 a.m. discharging upwards of 300 people in the community would adversely impact the community.

8. The local community is one of the few orthodox areas in the City. Community members, including children, frequently walk to afternoon, early evening, and nighttime events at the schools and synagogues. Study and worship at the synagogues often extend well into the

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night. Placing a nightclub and concert venue with alcohol service in this community is fundamentally inconsistent with this community.

Here, the record is clear that the public convenience or necessity would *not* be served by an alcoholic beverage license at the Lyric.

Should you have any questions, please feel free to contact me at (213) 891-8196 or george.mihlsten@lw.com.

Very truly yours,



George J. Mihlsten
of LATHAM & WATKINS LLP

cc: Los Angeles City Councilmember Paul Koretz, Council District 5, Attn: Jeff Ebenstein
Michael Feuer, Los Angeles City Attorney
Winston P. Stromberg, Latham & Watkins LLP
David F. Thompson, Latham & Watkins LLP
Rabbi Goldenberg, Yeshiva Rav Isacsohn Torath Emeth Academy

From: Sanchez, Gerry@ABC <Gerry.Sanchez@abc.ca.gov>
Sent: Thursday, March 29, 2018 1:51 PM
To: Stromberg, Winston (LA)
Cc: Gonzalez, Armando@ABC; Botting, Matthew@ABC; Mhlsten, George (LA); Thompson, David (LA); Valerio, Judy@ABC
Subject: RE: Lyric Theater (520 N. La Brea Ave., Los Angeles, CA)

That is correct, Mr. Stronberg,

Section 24013.1 BP states the following:

"If an application for a license is voluntarily withdrawn as a result of any protest being filed opposing the issuance of such license, such applicant may not refile an application for the same location for a period of one year from the date of such withdrawal"

Best,

From: Winston.Stromberg@lw.com [mailto:Winston.Stromberg@lw.com]
Sent: Thursday, March 29, 2018 1:20 PM
To: Sanchez, Gerry@ABC
Cc: Gonzalez, Armando@ABC; Botting, Matthew@ABC; GEORGE.MIHLSTEN@lw.com; DAVID.THOMPSON@lw.com
Subject: RE: Lyric Theater (520 N. La Brea Ave., Los Angeles, CA)

Mr. Sanchez –

I'm following up on our email correspondence of yesterday's date. You wrote that pursuant to section 24013.2 of the Business & Professions Code, the verified protests filed regarding this property will remain valid until February 22, 2019. Does that also mean that there can be no new application for a license at this location until February 22, 2019?

Thank you.

Winston

Winston P. Stromberg

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