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July 19, 2016

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CASE NO. ZA 2015-2254(CUB)(SPP)
CONDITIONAL USE- AND SPECIFIC PLAN
PROJECT PERMIT COMPLIANCE REVIEW
4650 Kingswell Avenue
Hollywood Planning Area
Zone : C4-1D
D.M. : 147B197
C.D. : 4
CEQA: ENV 2015-2255-MND
Legal Description: Lot 1, MB 3-90;
Edgemont Terrace Tract

Pursuant to Los Angeles Municipal Code Section 12.24-W,1, I hereby APPROVE:

a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a new bar located in the C4-1D Zone; and

Pursuant to LAMC Section 11.5.7-C. and the Vermont/Western Station Neighborhood Area Specific Plan Ordinance No. 173,749, I hereby APPROVE:

a Project Permit Compliance Review for a change of use from retail store to a beer and wine bar containing 982 square feet of floor area within an existing commercial building in Subarea B of the Vermont/Western Station Neighborhood Area Plan,

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. No additions to the approved site plan such as pool tables, coin-operated games, or video machines shall be permitted on the

premises at any time unless permitted by the Plan Approval process of Section 12.24-M of the Los Angeles Municipal Code.

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 of the bar 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's Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Authorization:
 - a. Approved herein is the sale and dispensing of beer and wine for on-site consumption in bar located in the C4-1D Zone.
 - b. Maximum floor area shall not exceed 982 square feet and seating number shall not exceed 23 interior seats.
 - c. Hours of operation shall be limited to 11 a.m. to 12 midnight on Sunday through Thursday, and from 11 a.m. to 2 a.m. on Friday and Saturday.

All art and live-music exhibitions shall end by 11 p.m. on Sunday through Thursday, and end by 12 midnight on Friday and Saturday.

There shall be no after-hours use of the facility, other than for routine cleanup and maintenance.
 - d. There shall be no service, sales or possession of an alcoholic beverage on any sidewalk area or adjacent parking lot or alley way. There shall not be off-site sales of alcohol beverages.
 - e. No deviations from any other Municipal Code zoning regulations or Specific Plan have been requested or granted herein.
7. The authorization granted herein for the sale of a full line of alcoholic beverages on the subject premises is for a period of **five (5) years** from the effective date of this grant. Thereafter, a new authorization shall be required to continue the sale of a full line of alcoholic beverages. The applicant is advised that he/she should allow appropriate time for a new entitlement application to be processed and that such application should be approved prior to the expiration date of this grant in order to

continue the sale of to allow the sale and dispensing of beer and wine for on-site consumption.

8. No earlier than 21 months and no later than 27 months from the effective date of this action, the applicant shall file for an Approval of Plans for review of compliance with conditions of approval. The application shall be on appropriate forms and accompanied by the payment of fees as set forth in the Los Angeles Municipal Code. The application must be accepted as complete by the Planning Department. Mailing labels shall be provided with the application for abutting tenants and property owners of the subject property including the Council Office and the Los Angeles Police Department Senior Lead Officer and Vice Unit Officer in Charge. The applicant shall also submit with the application a summary and all supporting documentation of how compliance with each condition has been attained.

A public hearing shall be required. The purpose of the hearing will be to consider the effectiveness of the conditions and of the compliance record of the applicant. The Zoning Administrator may upon receipt of testimony and review of the effectiveness of the conditions, modify, delete or add conditions. If there has been substantiated evidence of non-compliance prior to the hearing, the hearing may be set as a revocation hearing.

9. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator shall have the right to require the applicant to file a plan approval application together with the associated fees and to hold a public hearing to review the applicant's compliance with, and effectiveness of, the conditions of the grant. The applicant shall be required to submit a summary and supporting documentation demonstrating how compliance with each condition of the grant has been attained. Upon review, the Zoning Administrator may modify, add or delete conditions and reserves the right to conduct the public hearing for nuisance abatement revocation purposes if so warranted by documentation
10. All future signs shall be reviewed by Plan Implementation staff for compliance with the Vermont/Western Station Neighborhood Area Plan signage guidelines and regulations. Filing for a Project Permit shall not be necessary unless a Project Permit Adjustment or Exception is required. Any pole, roof or off-site sign, any sign containing flashing, mechanical or strobe lights are prohibited. Canned signs should not be used.
11. Live entertainment such as Disc Jockey, or Karaoke nights are prohibited. Art exhibits, poetry reading, or a soloist/vocalist, duo or trio shall not be deemed a violation of this condition provided the music is unamplified and acoustical in nature. Any noise emitted that is under the control of the applicant shall not extend beyond the establishment.

The primary use of the premises shall be maintained as a bar, not as an entertainment venue. Any frequent performing activities that draws large numbers of patrons resulting standing room only in the bar or long waiting lines on public sidewalk is deemed as a change of the mode and character of the approved use.

12. Any music, sound or noise emitted from the subject business shall comply with the noise regulations in the Los Angeles Municipal Code.
13. The operator shall install an interior sound barrier on common walls and ceiling shared by other tenants in the building. There shall be no outside speakers installed on the building facade.
14. No admission or cover charge is permitted to be collected for admission into the bar. Any advertisement of an admission charge or cover charge is prohibited. Charitable events or art seminars where pre-sales tickets may be necessary due to limited seating shall not be deemed a violation of this condition.
15. The establishment shall not be subleased to outside promoters for any types of events.
16. There shall be no Adult Entertainment of any type pursuant to Section 12.70 of the Municipal Code. No dancing will be allowed at the location.
17. 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 temporary access for delivery of supplies and trash removal. These doors shall not consist solely of a screen or ventilated security door but shall be solid.
18. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booth/dining areas within the interior space for the facility that restrict, limit, or obstruct the clear observations of the occupants.
19. There shall be no pool/billiard tables, video games, dart games, or coin-operated game machines or similar game devices maintained upon the premises at any time.
20. The operator shall work with LAPD to develop a security plan, including the use of a California State licensed security guard. After that, the applicant shall meet with the Police Department on a quarterly basis to assure the effectiveness of the security plan.
21. The operator shall provide a California State licensed security guard on Thursday, Friday and Saturday nights from 8 p.m. to half hour passing the closing time.
22. A camera surveillance system shall be installed which will cover all common areas as well as high-risk areas, sidewalk areas, and entrances and exits of the premises. Video tapes shall be maintained for 90 days and shall be made available to the Police Department or other enforcement agency upon request.

23. The property and all associated parking, including any adjacent area under the control of the operator, sidewalk and alley shall be maintained in an attractive condition and shall be kept free of obstruction, trash, litter and debris at all times.
24. Parking shall comply with the applicable provisions of the Los Angeles Municipal Code as determined by the Department of Building and Safety.
25. Three off-site parking spaces shall be provided in the parking lot located at 4641 West Kingswell Avenue or at a location within 750 feet of walking distance for the duration of this grant. A parking lease agreement dated March 15, 2016, and submitted to Zoning Administrator on March 21, 2016, shall be maintained.
26. The use of mass transit, taxi, and ride sharing shall be promoted on the establishment's website and other social media outlets. An incentive program for patrons who use alternate means of transportation shall be posted on a two-sided card placed on all tables and or a program description printed on the menu.
27. A Designated Driver Program shall also be made available to patrons. The availability of this program shall be made known to patrons either via a two-sided card placed on all tables and or a program description printed on the menu.
28. A 24-hour "hot line" phone number shall, be provided for the receipt of complaints from the community regarding the subject facility and shall be:
 - a. Posted at the entry.
 - b. Posted at the Customer Service desk.
 - c. The property owner/operator shall keep a log of complaints received, the date and time received, and the disposition of the response.
 - d. The log shall be available for inspection by the LAPD, the State Alcoholic Beverages Control Board staff and the Department of City Planning upon request.
29. Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages or tobacco products.
30. No person under 21 years of age shall sell or deliver alcoholic beverages.
31. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
32. The applicant shall provide the Zoning Administrator a copy of each license, suspension thereof, or citation issued by the State Department of Alcoholic Beverage Control or the Los Angeles Police Department upon such instance.

33. A copy of the conditions of this letter of determination, and valid business permit, shall be retained on the premises at all times and be immediately produced upon the request of any Los Angeles Police officer, employee of the State Department of Alcoholic Beverage Control, or the City's Department of City Planning. Additionally a copy shall be provided to all employees who shall sign an acknowledgement form stating that they have read and understood all of the ABC and conditional use permit conditions.
34. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR Training). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completing the training. The applicant shall transmit a copy of the letter from the Police Department to Development Services Center or Condition Compliance Unit as evidence of compliance during effectuation.
35. The applicant owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control, including insuring that no activities associated with narcotics sales, use or possession, gambling or prostitution occur.
36. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department and the Department of City Planning. The manager and all employees shall be knowledgeable of the conditions herein.
37. No portion of the restaurant shall be deemed to be "private", for the purpose of dispensing alcoholic beverages to selected patrons. At no time shall any form of membership card or compensation be a pre-requisite for admission to the restaurant at large, or to any sub-portion of the restaurant.
38. Loitering is prohibited on or around these premises or the area under control of the applicant. Petitioners shall regularly police the area under their control in an effort to prevent littering by patrons about the premises.
39. All conditions enumerated in Environmental Clearance Case No. ENV 2015-2255-MND (listed below) shall be considered conditions of this grant.
 - a. Aesthetics (Light). Any outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties or the public right-of-way.
 - b. Aesthetics (Glare). The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

- c. Public Services (Police). The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.
- d. Utilities (Local Water Supplies – Restaurant, Bar, or Nightclub).
- Install/retrofit high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate.
 - Install/retrofit restroom faucets with a maximum flow rate of 1.5 gallons per minute.
 - Install/retrofit and utilize only restroom faucets of a self-closing design.
 - Install and utilize only high-efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the applicant shall be responsible for ensuring compliance.
 - Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g., vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)
40. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.
41. All trash, recycling, and storage areas shall be located with a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building. The enclosure shall be a minimum of 6 feet high, and shall have a separate area for recyclable materials.
42. Delivery, trash pickups and disposal of bar waste, including the disposal of bottles, shall be conducted no earlier than 8:00 a.m. and no later than 6:00 p.m., daily.

43. Prior to issuance of any permits relative to this matter, 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 for CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. This 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 attachment to the subject case file.
44. **Prior to the beginning of operations**, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject of the email to include the case number, "**ZA-2015-2254-CUB-SPP/Operation Notification**". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
45. **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 Condition Compliance Unit 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 beer and wine only for on-site consumption, in conjunction the bar, known as Kukowski's Los Feliz Bar, and agree to abide and comply with said conditions.*
46. 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 has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit 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 Condition Compliance Unit within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.
47. Should there be a change in the ownership and/or the operator of the business, 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 at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The Zoning Administrator reserves the right to call for a public hearing requiring the applicant to file for a plan approval application. The application, in association with the appropriate fees, shall be submitted to the Department of Planning, Condition Compliance Unit within 30 days of the date of legal acquisition by the new owner or operator. The purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

48. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of 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.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of 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.
- c. 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).
- d. 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)

- e. 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 that you 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 AUGUST 3, 2016, unless an appeal there from 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 also 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 all subsequent contact with this office regarding this determination must be with the Department of City Planning's Development Services Center. 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, the report by the Department of City Planning Staff thereon, and the statements made at the public hearing on November 19, 2015, 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 permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The property is a level, rectangular-shaped, corner lot, consisting of two tied parcels, with a frontage of 150 feet along Kingswell Avenue and a frontage of 60 feet along Vermont Avenue, having approximately 9,000 square feet. The subject site is currently improved with an existing two-story 8,700 square-foot mixed-use building with two tenant spaces in addition to two residential units and no on-site parking. The property is zoned C4-1D, with a Neighborhood Office Commercial land use designation within the Hollywood Community Plan Area and the Vermont/Western Station Neighborhood Specific Plan. This subject site is also located within the Los Feliz Village Business Improvement District, within the boundaries of the Los Feliz Neighborhood Council, within the service boundaries of Fire Station No. 35 and the Northeast Division of the Los Angeles Police Department.

The proposed project involves tenant improvements/change of use associated with the establishment, use and maintenance of a new bar located within an existing 982 square-foot retail tenant space located within an existing mixed-use building. The mixed-use building is developed with two tenant spaces; the bar proposes to utilize the rear portion of the commercial space currently used as a retail store. The residential portion of the building, located at the rear of the building abutting the alley, will remain the same. Vehicular access to the project is available via a two-way alley along Kingswell Avenue and metered parking is available along both Kingswell and Vermont Avenues.

On November 4, 2015, staff conducted a site visit. Staff noted that there is an entrance prepared for the bar which was locked and posted for the hearing. The area is developed with one-, two-, and three-story commercial buildings along Vermont Avenue with a variety of shops and restaurants. Due to the age of the buildings many either do not have on-site parking or parking below current code requirements. Although abutting properties to the east of the alley (running north and south behind Vermont Avenue facing lots) are zoned R2-1XI they are developed with parking lots, each dedicated to a specific business. The subject site has not provided parking historically and the Vermont/Western Station Neighborhood Area Plan relieves the requirement for additional on-site parking for the

change of use. Kingswell Avenue's on-street parking is metered, limited to one hour between 8 a.m. and 8 p.m., and approximately a quarter of the parking spaces available. There is no parking for street cleaning between 7:30 a.m. and 9:30 a.m. on Friday for the north side of the street and on Wednesday on the south side. Vermont Avenue also has metered spaces with few available.

The project's representative has been in contact the Los Feliz Neighborhood Council but has not been able to be placed on their agenda before the hearing date. Therefore, the Council cannot provide a recommendation on this item without community outreach.

Kingswell Avenue, adjoining the site to the north is a Local Street - Standard with a dedicated width of 60 feet and improved with curb, gutter and sidewalk.

Vermont Avenue, adjoining the site to the west is a Modified Avenue II with a dedicated width of 80 feet and improved with curb, gutter and sidewalk.

Previous zoning related actions in the area include:

Case No. ZA 2013-0564(CUB)(CUX) – On March 28, 2014, the Central Area Planning Commission granted an appeal to modify Conditions of Approval and sustain the Zoning Administrator approval for a conditional use to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption and limited public dancing, in conjunction with an existing restaurant in the C4-1D Zone, located at 1710 North Vermont Avenue.

Case No. ZA 2012-0138(CUB) – On May 22, 2012, the Zoning Administrator approved in part and denied in part a conditional use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,165 square-foot restaurant in the C4-1D Zone, located at 1727 North Vermont Avenue. The request for a deviation from permitted hours of operation subject to the Mini-Shopping Center regulations was denied and the conditional use to permit the sale of beer and wine for on-site consumption in conjunction with an existing 1,165 square-foot restaurant was granted for the hours of operation not to exceed 11 a.m. to 12 midnight, daily.

Case No. ZA 2007-1857 (CUB)(PA1) – On February 6, 2013, the Zoning Administrator approved an Approval of Plans for the extension of term as required per Condition No. 6 and to modify the conditions of approval to extend the hours of operation to 11 a.m. to 11 p.m. Sunday through Thursday and from 11 a.m. to 1 a.m. on Friday and Saturday, for an existing restaurant in the C4-1D Zone, located at 1757 North Vermont Avenue.

Case No. ZA 92-0114(CUZ) – On February 22, 2006, the Zoning Administrator granted a conditional use to allow the maintenance of a dance floor in an existing restaurant and lounge, having a seating capacity for 160 patrons with hours of operation to not exceed 11 a.m. to 1:30 a.m., six days a week in the C2-2 Zone, located at 1739 North Vermont Avenue.

PUBLIC HEARING

A Notice of Public Hearing was sent to nearby property owners and/or occupants residing near the subject site on February 10, 2016, for which an application had been filed with the Department of City Planning. All interested persons are invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project.

The Public Hearing was held on Tuesday, March 10, 2016, at approximately 9:00 a.m. in Los Angeles City Hall, located at 200 North Spring Street, Room 1020.

The applicant's representative, Larry Mondragon commented as follows:

- The owner is a local artist advocate. She owns a vintage store that sells craft, children's clothing and art pieces.
- The applicant loves the local community very much and finds art and culture is one of the founding principles of the community.
- The applicant proposes a small and intimate beer and wine bar to celebrate local art and culture. No spirits and liquor will be served.
- The location of the bar is surrounded by establishments dispensing hard liquor and full on live music performances.
- The theme of the bar has a close tie to a famous architect and author, Charles Bukowski.
- There will be no rock band playing, only poetry reading, exhibition of arts, and live acoustic music.
- The establishment will be a fusion of art and culture with music and fine beer and wine.
- The establishment will be providing food items.
- The bar space is not a new store front, it is an existing space within her lease.
- The bar will have a separate entrance.
- The project requires a change of use project permit per SNAP.
- The location is a mixed use, densely popular area. A place for people to do things. The proposed bar will complement the existing use.
- The bar is designed for the local residents to enjoy, it is not intended to attract people out of the local area.
- The applicant shares concerns relating to traffic and crime, and she will accept reasonable conditions to mitigate these two issues.
- The applicant will provide a compliant hot line number to address any concern.
- The applicant will insulate walls and ceiling to buffer the noise.
- The applicant will accept a condition review plan approval condition.

Zoning Administrator questions/statements prior to the public comment period:

- The Los Feliz Neighborhood Council does not support the project per a November 13, 2015 letter; why do we need one more bar in the area?
- The Specific Plan may not allow live entertainment as commercial uses are limited to C1.5 uses.
- Would the applicant consider revising the hours of operation on weekdays?
- Is there a community outreach effort for this project?
- Is there any security plan?
- Collaboration with the Police Department?
- Is there valet parking service knowing that the area is a parking impacted area?

- Hells there any incentive program for patron(s) to use ride sharing or mass transit?
- I feel that the applicant has not shown an effort to address several issues.

Sarah Huff, a local resident:

- She lives in a historical building in the area.
- Most of people in the area are excited about the opening of a smaller and intimate location for people to socialize and meeting friends.

Rosanna Devito, local resident:

- She lives less than a block away from the proposed bar for 36 years.
- She has seen the neighborhood evolved into an alcohol zone.
- The last thing the community need is another bar.
- These establishments are loud and produces nothing but vomit on the side walk and noise in the neighborhood.
- One more bar will destroy the neighborhood.
- There are constant litter and beer bottles on streets.

Miho Ikeda, local resident and business owner:

- She lives in the area for 20 years and a local business owner for 15 years.
- Business is located next to the applicant's store. The applicant never speaks to her.
- The applicant changes her business model over time.
- The applicant used to serve alcohol in her store, and the patrons would take glass with alcoholic beverage to Miho's business, drunk.
- The applicant also invited heavy metal bands to her store and perform.
- The applicant does not pick-up her trash.
- She can see the bar will turn into something else with the way applicant runs her business.

Richard brewer, local resident and business owner:

- He opposes that bar.
- The applicant came into the area opened a business.
- She changed the business model of her store several time, invited rock bands to perform, and served wine in her store.
- Customers would take wine glasses from her store to neighboring businesses.
- The applicant threw trash into the rear alley for the last 6 months to a year.
- There was no outreach from the applicant to neighboring business owners.
- The bar has no clear vision, no mention of the type of art and the type of food.
- The bar wants an image of Bukowski. He is a drunk and goes around to dive bars. There is no culture and poetry associated with Bukowski.
- The community needs not a bar. If the applicant wants to read poetry, she can do it without serving alcohol.
- Other bars provides parking spaces.
- These bars bring loiters and smokers to streets.

Amanda Lockrow, supporter of the project:

- She is one of the handmade designers working with the applicant.
- Has had a very positive experience working with the applicant.

- Applicant's retail business should not be mixed with the proposed bar.
- There is a paid parking lot behind the building.
- There are many establishments in the area providing music and activities.
- Many people are very excited about the proposed wine bar.

Council District No. 4:

- CD 4 is aware of the live entertainment issue.
- The applicant should address t neighbors' concerns.
- The project will be heard by the Neighborhood Council on March 15, 2016.
- CD 4 cannot support the project at this time.

Applicant responses:

- The applicant does not want to be an impediment to the community.
- She will work with the residents to address all of their concerns.
- The applicant is committed to meet with the community regularly.
- Live entertainment will be limited to 2-3 piece acoustic music.
- The applicant will consider Zoning Administrator's suggestion and work on it.
- The applicant will work with the Police Department on a security plan.
- The applicant will accept any reasonable conditions imposed by the Council Office.

At the close of the hearing the Zoning Administrator stated that he will take the project under advisement and wait for the applicant to further develop the project, and also wait for the recommendations from Los Feliz Neighborhood Council and Los Angeles Police Department.

AGENCY COMMUNICATIONS RECEIVED

The Los Angeles Police Department – Issued a recommendation letter for the application April 6, 2016. The LAPD reviewed the Master Land Use Application for an Alcoholic Beverage License, and met with the applicant. The LAPD provided 22 conditions for consideration. The LAPD does not have an opposition to the granting of a conditional use for the location at this time.

Los Feliz Neighborhood Council – Issued an approval recommendation letter on March 19, 2016, stating the the Governing Board recommended approval of the application and conditioned the project on the revisions to the hours of operation, provide three off-site parking spaces, development of a security plan, trash, and noise mitigation. Any deviation from the above referenced revisions by the applicant will constitute automatic withdraw of the recommendation of approval, and revert to opposition of the project in its entirety.

Council District No. 4 – Sent an email to the Zoning Administrator on March 30, 2016, recommending a five-year term grant and a Plan Approval after two years, in addition to Neighborhood Council's conditions for the project.

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 providing these recommendations, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The recommendations noted below are based on testimony and other evidence established in the administrative record, and provides 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 "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time.
- No alcoholic beverage shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
- There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/check-out clerk specifically assigned solely to that station.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
- There shall be no "Buckets" of Beer allowed to be sold. Portable bars are prohibited. There shall be no "Minimum drink" required of patrons. In addition, there shall be NO sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- There shall be no cocktail lounge or separate bar area.

- The off-site sale of alcoholic beverages as a secondary use (i.e., “take out”) is not permitted.

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 conditional use permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for the sale of beer for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the four standard findings for most other conditional use categories.

MANDATED 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 property is a level, rectangular-shaped, corner lot, with a frontage of 150 feet along Kingswell Avenue and a frontage of 60 feet along Vermont Avenue, having approximately 9,000 square feet. The subject site is currently improved with an existing 8,700 square-foot mixed-use building with two tenant spaces, two residential units and no on-site parking. The property is zoned C4-1D, with a Neighborhood Office Commercial land use designation within the Hollywood Community Plan Area and the Vermont/Western Station Neighborhood Specific Plan Area. This subject site is also located within the Los Feliz Village Business Improvement District, within the boundaries of the Los Feliz Neighborhood Council, within the service boundaries of Fire Station No. 35 and the Northeast Division of the Los Angeles Police Department.

The proposed project involves tenant improvements/change of use associated with the establishment, use and maintenance of a new bar located within an existing 982 square-foot tenant space located within a mixed-use building. The mixed-use building is developed with two tenant spaces and two residential units; the bar proposes to utilize a portion within an existing retail store that occupies the two tenant spaces. The residential units located at the rear of the property on the second story will remain. Vehicular access to the project is available via a two-way alley along Kingswell Avenue located behind the building. The project will not result in the construction of any additional square-footage. The project site is near other commercial businesses and residential areas, and at a convenient location that can be easily reached by vehicle, walking, or by public transit.

The proposed bar is located within an existing mixed-use building, within an established commercial and retail corridor. Restaurants, retail, and office establishments in the vicinity share the similar massing, scale, and intensity of use

as the subject bar. As proposed, bar will serve the public convenience and provide an amenity within walking distance to local residences in the surrounding neighborhood. The request to sell beer and wine on-site will add to the range of retail options for residents in the area. The applicant has provided three off-site parking spaces including measures to promote alternative transportation modes to alleviate parking impacts to the local neighborhood. Mitigation to increase security, and reduction of noise and trash nuisance is also incorporated into the conditions of approval.

As such, the bar, in conjunction with the imposition of operational conditions, will provide a function that is fitting and compatible with the character of the surrounding community and commercial viability of the region as a whole. The adopted conditions will serve to ensure that the built environment is not jeopardized but, rather, enhanced by the proposed use. Further, as conditioned, the sale of alcoholic beverage shall occur within a controlled environment within the store by trained employees, subject to numerous security measures, limited hours of operation, surveillance cameras, STAR training, and a limited term grant under which the use can be reevaluated in five years regarding compliance with conditions, nuisance complaints and the appropriateness of the use.

Therefore, based on the facts herein and in conjunction with the imposition of conditions addressing operational and alcohol-related issues, it can be found that the project will enhance the built environment in the surrounding neighborhood and provide a service that is beneficial to the community, city or region.

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 area surrounding the project is developed with a mixture of single family, commercial and multi-family uses. Adjoining property directly to the north of the site are improved with commercial buildings in the C4-1D Zone. Adjoining property to the south along Vermont Avenue is a variety of retail shops and restaurants in the C4-1D Zone. Adjoining property to the east, across the alley are a variety of restaurants, shops, bars and a bank in the C4-1D Zone. Adjoining properties to the north of the subject site are more shops and restaurants in the C4-1D Zone. The project is located within a mixed use building having both commercial and residential tenants and has no required on-site parking. As proposed, the bar with beer and wine sales for on-site consumption will serve the public convenience and provide an amenity within walking distance to local residents. Lastly, the Zoning Administrator has imposed a series of conditions to ensure that the bar will be operated in a reasonable manner in relation to the surrounding neighborhood.

The applicant is requesting a Conditional Use and a and a Project Permit Compliance to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a 982 square-foot bar located in the C4-1D Zone. The bar proposes hours of operation/alcohol sales from 11:00 a.m. to 12 midnight, Sunday through Thursday and 11:00 a.m. to 2:00 a.m. on Friday and Saturday with

live acoustic entertainment ending at 11 p.m. on weekdays, and at midnight on Friday and Saturday. The approved hours of operation of the project comply with the recommendation of the Los Feliz Neighborhood Council.

The predominant concern of the project is the potential mode and character change of the bar use into a venue use for an increased live entertainment performances. This is construed as a violation of the grant. The decision maker imposed Condition No. 11 and stipulates the primary bar use must be maintained on site to sustain the grant. Any frequent performing activities that draws large numbers of patrons resulting standing room only in the bar or long waiting lines on public sidewalk is deemed as a change of the mode and character of the approved use into an entertainment venue use. The imposition of Condition No. 11 assures the maintenance of the approved use and keep the premises in line with the grant, and thus the project will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

Therefore, based on the facts herein and in conjunction with the imposition of operational conditions, 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.

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

The Hollywood Community Plan Map, which designates the property for Neighborhood Commercial land uses with corresponding C1, C1.5, CR, C2, C4, RAS3, and P Zone and Height District No. 1D. The subject site is zoned C4-1D which is consistent with its existing zoning and the proposed bar. The Community Plan text does not specifically address the requested conditional use for the sale of alcoholic beverages. However, the Los Angeles Municipal Code authorizes the Zoning Administrator to grant the requested conditional use in the zones corresponding to the Plan land use designation.

There are 11 elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. One of the objectives of the Hollywood Community Plan includes promoting economic well-being and public convenience through allocating and distributing commercial lands for retail, service and office facilities in quantities and patterns based on accepted planning principles and standards. The subject property is planned and zoned for commercial uses and, as demonstrated in the Findings above, allowing a beer and wine bar to operate out of the subject location would provide a public convenience for the surrounding neighborhood. Additionally, the majority of the policies derived from Elements are in the form of Code Requirements of Los Angeles Municipal Code. The conditional authorization for the sale of alcoholic beverages on-site is allowed through the approval of the Zoning Administrator subject to certain findings, of which have been made herein. Therefore, it can be found that granting of the conditional use will allow the proposed project to provide a convenience for the neighborhood,

and in conjunction with the imposition of conditions addressing operational and alcohol-related issues, the proposed use will substantially conform with the purpose, intent and provisions of the General Plan and the applicable community plan.

ALCOHOLIC BEVERAGE FINDINGS

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

The project site is located in an area of concentrated commercial development with existing alcohol establishments. Surrounding properties are within the C4-1D, R2-1XL and RD1.5-1XL Zones developed with a variety of neighborhood serving commercial uses along Vermont Avenue, with residential uses to the east along Kingswell Avenue. The current request is to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a 982 square foot bar, and a Project Permit Compliance to allow a change of use from retail to a beer and wine bar within the Vermont/Western SNAP. The proposed bar will contain 23 indoor seats only.

The approval of the conditional use request will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will continued to be utilized as such with the proposed addition of a bar use. The request does not include public dancing, happy hour discounted drinks, video game machines. Any music provided is limited to light acoustic and unamplified sound in nature. The requested entitlement is generally conditioned to reflect the mode of operation stated in the application is compatible with the welfare of the community.

This grant is authorized for a term of five years, including a Plan Approval condition compliance review after the first two years of operation. Once the term grant expires, the applicant will need to file a new conditional use for the continued sale and dispensing of a beer and wine for on-site consumption. The term grant allows the City an opportunity to review the operation of the restaurant establishment anew. If the operation has been conducted appropriately and without creating problems for the neighborhood, then a subsequent decision on a new conditional use may take that into favorable consideration. A record of poor compliance and/or documented nuisance complaints would allow the City the discretion to not grant or renew a conditional use, and thereby avoid the need to conduct prolonged nuisance abatement proceedings.

The Zoning Administrator has imposed numerous conditions including recommendations from Los Angeles Police Department, Council District No. 4 and Los Feliz Neighborhood Council to prevent impacts and integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been recommended for consideration by the California Department of Alcoholic Beverage Control that regulates the sales of alcohol to prevent adverse impacts to neighborhood. As conditioned herein, the proposed use will not adversely affect the welfare of the pertinent community.

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 1,000-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, nine on-site and thirteen for off-site consumption licenses are allocated to the subject census tract (Census Tract 1891.01). Currently there are nineteen on-site licenses and three off-site licenses in this census tract. The bar is proposing to add one ABC Type 42 for on-site sales of beer and wine; in doing so, the applicant will have the ability to sell beer and wine for on-site consumption.

Although the number of existing licenses is above the number currently allocated, the project site is located in an area of concentrated commercial development with existing alcohol establishments. Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. Although the census tract will be numerically over concentrated with the addition of a new license, the project will not adversely affect community welfare because the subject beer and wine bar project has been reviewed by the local community at a large and by the City via Los Angeles Police Department, City Planning Department and Council District No. 4. The proposed bar use has been conditioned to restrict the mode and character and limit sales in a manner which will help control anti-social uses of such beverages in public.

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 1142, which has jurisdiction over the subject property, a total of 215 crimes were reported in 2014 (182 Part I and 33 Part II crimes), compared to the city-wide average of 163 offenses and the high crime reporting district of 196 crimes for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (0), Rape (0), Robbery (6), Aggravated Assault (3), Burglary (25), Larceny (128), (20) Auto Theft. Part II Crimes reported include, Other Assault (5), Forgery/Counterfeit (4), Embezzlement/Fraud (0), Stolen Property (0), Weapons Violation (0), Prostitution Related (0), Sex Offenses (0), Offenses Against Family (0), Narcotics (6), Liquor Laws (0), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DWI related (6) and other offenses (0). Of the 215 crimes reported, zero arrests were made for liquor laws, zero arrests were for under the influence of alcohol, and six arrests were for driving under the influence. Crime reporting statistics for 2015 are not yet available.

The Zoning Administrator has imposed a number of conditions including Los Angeles Police Department conditions related to the service of alcohol that will further reduce any potential crime issues. Therefore, it can be found that the proposed request will not adversely affect the economic welfare of the community or result in an undue concentration of premises for the sale of alcoholic beverages after given consideration to the State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration and giving consideration to crime rates in the area.

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 with a 1,000-foot radius of the project site:

Los Feliz Elementary School
1740 North New Hampshire Avenue

Thirteenth Church of Christ, Scientist
1776 North Vermont Avenue

The surrounding area has a mixture of restaurants, retail stores, churches and residential uses. However, being located in a prime commercial area, the diversity and proximity to sensitive uses is not uncommon. To ensure that the nearby sensitive uses are adequately buffered from any potential adverse impacts of this project, Conditions of Approval have been included to ensure that no loitering, littering, excessive noise or light will result from the operation of this business. In addition to limited hours of operation and delivery and trash pickups, to ensure minimal noise impacts from the business on surrounding residential uses. The limited term grant will also allow for a subsequent consideration of the request taking into account any changes in the area that may create impacts. Therefore, as conditioned, it can be found that the proposed use will not detrimentally affect the nearby residentially zoned communities or create potential nuisances for the surrounding area.

PROJECT PERMIT COMPLIANCE FINDINGS

7. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**
 - a. **Prohibited Uses.** Section 6.B. Vermont/Western Specific Plan states automotive yards and signs including any pole, roof or off-site sign, any sign containing flashing, mechanical or strobe lights shall not be permitted. The project is a change of use from retail to wine shop and tasting area and does

not include any automotive uses. The plans submitted by the applicant do not indicate that signage has been incorporated into the design. However, this provision has been incorporated into the Conditions of Approval should signage be integrated into the building at a later time.

- b. Use. Section 8.A. of the Vermont/Western Specific Plan states that commercial land uses are allowed by right within Subarea B of the Specific Plan area. The proposed bar is an allowed use in the C4 Commercial Zone pursuant to LAMC Section 12.16 and therefore complies with Section 8.A. of the Specific Plan.
- c. Height and Floor Area. Section 8.B. of the Vermont/Western Specific Plan states that commercial uses cannot exceed a height of 35 feet and a floor area ratio (FAR) of 1.5:1. The project involves a change of use within an existing tenant space of a commercial building and therefore Section 8.B. does not apply.
- d. Transitional Height. Section 8.C. of the Vermont/Western Specific Plan states that portions of buildings on a lot located within Subarea B shall not exceed specified transitional height limits set forth when located within specified distances of a lot within Subarea A. The project does not propose construction that will change the footprint or height of the existing building. The project involves a change of use within an existing tenant space in a one-story commercial structure and therefore Section 8.C. does not apply.
- e. Usable Open Space. Section 8.D. of the Vermont/Western Specific Plan states that mixed-use and residential projects must provide specified amounts of common and private open space. The project does not include residential uses and is therefore exempt from providing useable open space. The project is a change of use from retail to wine shop with a tasting area. Section 8.D. therefore does not apply.
- f. Project Parking Requirements. Section 8.E.4. of the Vermont/Western Specific Plan states that a change of use within an existing building need not provide additional parking provided that existing onsite parking is maintained. The project site currently is not required to provide onsite parking. The applicant is not required by the Specific Plan to provide additional parking in compliance with the Specific Plan provisions in Section 8.E.4. However, the applicant has provided 3 off-site parking spaces for the project.
- g. Conversion Requirements. Section 8.F. of the Vermont/Western Specific Plan sets forth requirements pertaining to conversion of existing structures from commercial uses to residential condominium uses. The project is for a change of use from retail to bar within an existing commercial building and not subject to conversion requirements for condominium uses. Section 8.F. of the Specific Plan therefore does not apply.
- h. Yards. Section 8.G. of the Vermont/Western Specific Plan specifies that no front, side or back yard setbacks shall be required for the development of

any project within Subarea B. The project involves a change of use from retail to a bar for 982 square feet of floor area within an existing building. This project does not propose construction that will change the footprint or height of the existing building. Section 8.G. of the Specific Plan therefore does not apply.

- i. Pedestrian Throughways. Section 8.H. of the Vermont/Western Specific Plan requires that Applicants provide a pedestrian walkway, throughway or path for every 250 feet of street frontage for a project. The project is a change of use from retail to a bar within an existing building that has 60 feet of street frontage on Vermont Avenue and 150 feet of street frontage on Kingswell Avenue. Section 8.H. of the Specific Plan therefore does not apply.
 - j. Development Standards. Section 8.I. of the Vermont/Western Specific Plan requires that all projects be in substantial conformance with the Development Standards and Design Guidelines. However, the Development Standards and Design Guidelines apply to all new development and extensive remodeling projects. The proposed project is not new development or considered extensive remodeling. However, the project is a change of use within an existing commercial building and therefore the Development Standards and Design Guidelines do not apply.
8. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

A Mitigated Negative Declaration, ENV2015-2255-MND, was prepared for the proposed project and being considered for adoption by the Zoning Administrator.

ADDITIONAL MANDATORY FINDINGS

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is located in Zone C, areas of minimal flooding.
10. On September 16, 2015, the City Planning Department issued Mitigated Negative Declaration No. ENV 2015-2255-MND. This Mitigated Negative Declaration reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts are mitigated to a less than significant level. I hereby adopt that action. The custodian of the documents or other material which constitute the record of proceedings upon which the decision is based are located with the City of Los Angeles, Planning Department located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

Inquiries regarding this matter shall be directed to Nora Dresser, Planning Staff at (213) 978-1346.

A handwritten signature in black ink, appearing to read "Jack Chiang", with a long horizontal flourish extending to the right.

JACK CHIANG
Associate Zoning Administrator

JC:ND:aln

cc: Councilmember David Ryu
Fourth District
Adjoining Property Owners