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APPROVAL OF PLANS

March 16, 2018

Applicant

Songbird Café LLC
3680 Wilshire Boulevard,
Unit 503
Los Angeles, CA 90010

Owner

Forest City Blossom, LP
900 N. Broadway
Los Angeles, CA 90012

Owner

City of Los Angeles
c/o Tony M. Royster
111 E. 1st St., Room 706
Los Angeles, CA 90012

Representative

Eddie Navarrette
F.E. Design & Consulting
327 E. 2nd St., Unit 222
Los Angeles, CA 90012

Case No. DIR-2017-3638-PAB
CEQA: ENV-2017-3639-CE
Location: 900-924 N. Broadway, 215-219
College Street, 901 Spring Street;
Unit 1050

Related Cases: CPC-2004-4139-CUB-ZV-ZAD,
CPC-2004-4139-CUB-ZV-ZAD-
PA1,
CPC-2004-4139-CUB-ZV-ZAD-
PA2

Council District: 1 – Cedillo

Neighborhood Council: Historic Cultural

Community Plan Area: Central City North

Land Use Designation: Regional Center Commercial

Zone: C2-2

Legal Description: Arb 2 of FR Joseph Mullaly Lot,
Mullaly's Subdivision Tract

Last Day to File an Appeal: March 31, 2018

Pursuant to Los Angeles Municipal Code Section 12.24 M and Condition No. 19 of Case No. CPC-2004-4139-CUB-ZV-ZAD, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Approve with Conditions a Plan Approval to allow a 1,856 square-foot bar and café with 422 square-foot patio serving a full line of alcoholic beverages for on-site consumption;

Determine based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15300 et seq., and City CEQA Guidelines, Class 5, Category 23, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The project approval is based upon the attached Findings, and subject to the attached Conditions of Approval:

CONDITIONS OF APPROVAL

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 and floor 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 Director of Planning to impose additional corrective Conditions, if, in the Director's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. 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 this grant.
5. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a 1,856 square-foot bar and café, subject to the following limitations:
 - a. Indoor seating shall be limited to 40 seats provided that number of seats does not exceed the maximum allowable occupancy as determined by the Department of Building and Safety.
 - b. Outdoor seating shall be limited to a maximum of 20 seats within the 422 square foot patio area.
 - c. The hours of operation shall be limited to 7 a.m. to 2 a.m., daily.
 - d. Use of the outdoor patio may occur from 7 a.m. to 12 a.m., Sunday to Thursday, and 7 a.m. to 1 a.m., Friday and Saturday.
 - e. No after-hours uses except routine clean up, including, but not limited to, private or promotional events, are permitted. Routine clean up and any activities which are issued film permits by the City are permitted after hours.
6. Prior to the issuance of any permits relative to this matter, the applicant shall submit an overall security plan for the project site which shall be prepared in consultation with the Los Angeles Police Department and which addresses security measures for the protection of residents, visitors, and employees. The project shall include appropriate security design features for semipublic and private spaces, which may include, but shall not be limited to: access control to buildings; secured parking facilities; walls/fences with key security; lobbies, corridors and elevators equipped with electronic surveillance systems; well-

illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment; and location of toilet facilities or building entrances in high foot traffic areas.

7. The owners, operators, managers, and all employees serving alcohol to patrons shall enroll in and complete a certified training program is recognized by the State Department of Alcoholic Beverage Control for the responsible service of alcohol. This training shall be completed by new employees within four weeks of employment and shall be completed by all employees serving alcoholic beverages every 24 months.
8. A 24-hour telephone hot line shall be provided to residents and local neighborhood associations for reporting of any complaints. The hotline shall be answered promptly at all times to receive and resolve complaints regarding the operation of the center, including any of its establishments, or violations of the permit.
9. A phone number to a responsible representative of the establishment shall be clearly posted and visible from outside the establishment for the purposes of allowing residents and community members to report an emergency or a complaint about the method of operation of any facility serving alcoholic beverages.
10. The project site managers, individual business owners and employees of all private security officers shall adhere to and enforce the 10 p.m. curfew loitering laws concerning all minors within the grounds of the project site without a parent or adult guardian. Staff shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.
11. A "Designated Driver Program" shall be operated to provide an alternative driver for restaurant or bar patrons unable to safely operate a motor vehicle.
12. All personnel acting in the capacity of a manager of the premises and all personnel who serve alcoholic beverages shall attend the Standardized Training for Alcohol Retailers (STAR) sponsored by the Los Angeles Police Department at the session immediately following the opening of the food market. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months.
13. All public telephones shall be located within the interior of the establishment structure. No public phones shall be located on the exterior of the premises under the control of the establishment.
14. No employee shall solicit or accept any beverage from any customer while in the premises. 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 customers.
15. There shall be no exterior window signs of any kind or type.
16. 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 City Planning Department to impose additional corrective conditions, if, it is determined by the City Planning Department that such conditions are proven necessary for the protection of persons in the neighborhood

or occupants of adjacent property.

17. 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 City Planning Department will have the right to require the Petitioner(s) to file for a Plan Approval application together with the associated fees and to hold a public hearing to review the Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
18. No conditional use for dancing has been requested or approved herein. Public dancing is prohibited. Live entertainment is permitted.
19. Game machines, pool tables, or similar game activities or equipment shall not be permitted.
20. 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.
21. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
22. Prior to the utilization of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
23. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
24. 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.

25. MViP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant, fees required per L.A.M.C section 19.01 E (3) 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 Department of City Planning.
26. 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 for inclusion in case file. Fees required per L.A.M.C section 19.01 E (3) 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.
27. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

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

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (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 in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, 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, commissions, committees, employees, and volunteers.

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

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

In this Plan Approval, the Director of Planning 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 Department of City Planning has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution. The Department of City Planning 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 Director of Planning 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 this Plan Approval.

- There shall be no exterior window signs of any kind or type promoting alcoholic products.
- There shall be no advertising of any alcoholic beverages visible from the exterior of the premises from the food and beverage areas within the museum, promoting or indicating the availability of alcoholic beverages.
- Alcohol sales and dispensing for on-site consumption shall only be served by employees.
- The venue operator, owner and the venue personnel shall at all times maintain a policy of not serving to obviously intoxicated patrons and shall take preventative measures to help avert intoxication-related problems.
- No person under the age of 21 years shall sell or deliver alcoholic beverages.
- There shall not be a requirement to purchase a minimum number of drinks.
- The consumption of alcoholic beverages shall be prohibited in the outdoor patio area prior to 5 p.m.

BACKGROUND

On November 8, 2007, the Los Angeles City Planning Commission approved Case No. CPC-2004-4139-CUB-ZV-ZAD for the subject site known as Blossom Plaza. The approval included a Master Conditional Use Permit to authorize the sale of alcoholic beverages for on- and off-site consumption at eight establishments. The breakdown of the approvals is as follows: three (3) sit down restaurants with a full line of alcoholic beverages for on-site consumption with food service (Type 47 general eating place establishments); one (1) retail establishment selling a full line of alcoholic beverages for off-site consumption; two (2) lounge/bars with a full line of alcoholic beverages for on-site consumption (Type 48 standalone bar establishment), of which one shall be permitted live entertainment and dancing; one (1) wine bar serving wine and beer for on-site tasting and for purchasing for off-site consumption; and one (1) catering establishment for food and alcohol service at special events on the Cultural Plaza.

The City Planning Commission's approval of the Master Conditional Use Permit incorporated specific conditions, including a requirement that each applicant or operator file a Plan Approval for review by the Director of Planning prior to the sale of alcohol commencing. The subject bar/café proposed herein, located in Unit 1050, is the second establishment to undergo the Plan Approval process for the sale of alcoholic beverages on the site, the first being a wine bar approved under Case No. CPC-2004-4139-CUB-ZV-ZAD-PA2, located in Unit 1070. The establishment proposed herein would utilize the following allocation authorized by the City Planning Commission: lounge/bar with a full line of alcoholic beverages for on-site consumption (Type 48 standalone bar establishment). No public dancing is proposed.

The applicant's representative has provided the following project description:

The applicants are proposing a new café and bar called Songbird. The business is modeled after a 1930s Shanghai piano bar. The front of the business will be a coffee bar which will open at 7 a.m. daily to serve breakfast and coffee to residents and local workers. This portion of the business has a patio which is inside the courtyard at Blossom Plaza – it does not front onto any public street. The rear will have the bar, which will open later in the day and stay open until 2 a.m. daily. The bar area has a small stage area for a piano, a small band, or a DJ.

While the sale of alcoholic beverages is already authorized on the site by the underlying grant, the Plan Approval enables the Department of City Planning to consider more closely the nature of each operation and to impose further conditions as necessary. All applicable conditions of approval from the original Master Conditional Use Permit authorization have been incorporated into this Plan Approval. Additional conditions have been included as appropriate and to address concerns raised in written communication from the public.

One letter was received regarding the Plan Approval request from the Police Department, dated November 15, 2017, stating their non-opposition to the request. Additionally, correspondence was received from the Koreatown Youth + Community Center (KYCC) and two members of the public, all of whom raised concerns about the potential health and safety implications of having alcoholic beverages consumed outside in the patio, which they state could deter seniors, families, and children from using the Blossom Plaza courtyard as a passageway to the Metro Gold Line station. The applicant submitted correspondence to the file indicating that he met with the KYCC, as well as one of the individuals who submitted comments, concerning this matter.

Relevant Cases

Case No. CPC-2004-4139-CUB-ZV-ZAD: The City Planning Commission approved a mixed-use development on the subject site having a maximum Floor Area Ratio (FAR) of 6:1. Approvals include a Zone Variance to allow 197 parking spaces for the residential portion of the project; a Master Conditional Use to permit the sale of a full line of alcoholic beverages for eight establishments; a Zoning Administrator's Determination to permit two or more uses to share off-street parking spaces within the project; and a Zoning Administrator's Determination to permit a ten percent reduction of the number of commercial parking spaces required for a project located within 1,500 feet from the portal of a fixed rail transit station, bus station, or similar transit facility (Effective December 3, 2007).

Case No. CPC-2004-4139-CUB-ZV-ZAD-PA1: The Director of Planning approved a Plan Approval for the mixed-use development on the subject site to allow the conversion from condominium units to rental units; the reduction of the total project area from 360,071 square feet consisting of two buildings to approximately 239,556 square feet consisting of three buildings; the reduction of the overall height of the project from approximately 128 feet to approximately 91 feet; the reduction of the total number of dwelling units from 262 dwelling units to 237 dwelling units with a minimum of 22%, or 53 units, as restricted affordable units; and the reduction of the Open Space Cultural Plaza from 17,642 square feet to approximately 16,000 square feet and to provide a 9,500 square foot public space connecting the Cultural Plaza to Broadway (Effective September 14, 2013).

Case No. CPC-2004-4139-CUB-ZV-ZAD-PA2: The Director of Planning approved a Plan Approval to allow a 900 square-foot wine bar serving wine and beer for on- and off-site consumption on the subject site (Unit 1070).

CONDITIONAL USE FINDINGS

- 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.**

As part of Case No. CPC-2004-4139-CUB-ZV-ZAD, the City Planning Commission approved a Master Conditional Use Permit authorizing the sale of alcoholic beverages on the subject site, including the sale of a full line of alcoholic beverages at a bar for on-site consumption as proposed herein. The site is developed with an approximately 239,556 square-foot mixed-use project with 237 residential units (with a minimum of 22 percent, or 53 units, as restricted affordable units) as well as public open space and ground floor commercial/retail uses. The subject bar/café, which is located at one of the ground floor retail units facing the public plaza, is the second establishment to undergo the Plan Approval process for the sale of alcoholic beverages at the site.

The subject grant does not represent the introduction of a land use uncommon to the area, as there are several restaurants, bars, and retail establishments in the vicinity that offer alcoholic beverages as part of their operations. The subject site, known as Blossom Plaza, is located in the heart of the Chinatown neighborhood and is within walking distance of apartments, retail storefronts, historic attractions, cultural amenities, and other uses. Located adjacent to the Metro Gold Line Chinatown Station, the site is also directly served by light rail public transit, which connects the development to the broader city and region.

As one of the early commercial tenants at the Blossom Plaza site, the proposed establishment will enhance the built environment by activating an otherwise vacant retail

storefront with an active ground level use. The project features 20 outdoor seats dispersed among 10 tables in the outdoor public space connecting the site's Cultural Plaza to Broadway. Further, Condition No. 15 of this grant prohibits exterior window signs of any kind or type so as to maintain a high level of ground floor transparency. By introducing commercial activity to this site and activating a vacant space, the proposed use as conditioned will further enhance the built environment.

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 site is developed with an approximately 239,556 square-foot mixed-use project with 237 residential units (with a minimum of 22 percent, or 53 units, as restricted affordable units) as well as public open space and ground floor commercial/retail uses. Located in the heart of the Chinatown neighborhood, the Blossom Plaza development is within walking distance of apartments, retail storefronts, historic attractions, cultural amenities, and other uses. The proposed one-story bar/café's relatively small size of 1,856 square feet, with a maximum of 40 indoor seats and a 422 square-foot patio with 20 outdoor seats, reflects a more intimate, neighborhood-scaled establishment that is unlikely to generate a high level of noise or traffic.

While the sale and dispensing of alcoholic beverages for on-site consumption is already authorized on the site by the underlying grant, the instant Plan Approval enables the Department of City Planning to consider more closely the nature of each operation and to impose further conditions as necessary. As such, all applicable conditions of approval from the original Master Conditional Use Permit authorization have been incorporated into this Plan Approval. Additional measures or conditions have been included as appropriate and to address concerns raised in written communication from the public, including a recommendation for consideration by the ABC to prohibit the consumption of alcoholic beverages in the outdoor patio prior to 5 p.m. The grant also includes conditions that require compliance with the Monitoring Verification and Inspection Program (MViP) and the prohibition of public dancing. Game machines, pool tables, or similar game activities or equipment shall not be permitted. Adherence to the Standardized Training for Alcohol Retailers (STAR) program has been imposed to encourage responsible management and to deter criminal activity. A 24-hour telephone hot line shall be provided to residents and local neighborhood associations for reporting of any complaints. As such, it can be found that the project's location, size, height, operations, and other significant features will be compatible with its surroundings.

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

The General Plan and the Central City North Community Plan map designate the subject site for Regional Center Commercial land uses with the corresponding zones of CR, C1.5, C2, C4, RAS3, RAS4, R3, R4, and R5 and Height District No. 2. These zone designations allow for a diversity of uses such as offices, residential units, retail and commercial uses, government facilities, major entertainment facilities, and cultural facilities. The request for the sale and dispensing of a full-line of alcoholic beverages in conjunction with a bar/café, which has already been authorized by the original approval, conforms to and further enhances the goals and objectives set out in the Central City North Community Plan. The Community Plan text is silent with respect to the sale of alcoholic beverages. Nevertheless, the project is consistent with the following goals and objectives of the Community Plan:

- Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.
- Policy 2-1.1: New commercial uses shall be located in existing established commercial areas or existing shopping centers.
- Objective 2-2: To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.
- Policy 2-2.3: Require that the first floor street frontage of structures, including mixed use projects and parking structures located in pedestrian oriented districts, incorporate commercial uses.

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 site is developed with an approximately 239,556 square-foot mixed-use project with 237 residential units (with a minimum of 22 percent, or 53 units, as restricted affordable units) as well as public open space and ground floor commercial/retail uses. Located in the heart of the Chinatown neighborhood, the Blossom Plaza development is within walking distance of apartments, retail storefronts, historic attractions, cultural amenities, and other uses. The proposed one-story bar/cafe's relatively small size of 1,856 square feet, with a maximum of 40 indoor seats and a 422 square-foot patio with 20 outdoor seats, reflects a more intimate, neighborhood-scaled establishment that is unlikely to adversely affect the welfare of the pertinent community with a high level of noise or traffic. The approval herein also includes conditions that have been tailored specifically for the proposed use, including a 24-hour telephone hot line requirement for reporting of any complaints. The Police Department submitted a letter stating their non-opposition to the request. As conditioned, the project 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 State Department of Alcoholic Beverage Control licensing criteria, four licenses (three on-site, one off-site) are allocated to the subject Census Tract No. 2060.10, which had a population of 3,127 as of December 2017. There are currently four on-site and one off-site licenses within this census tract. Overconcentration can be undue when the addition of a license will negatively impact a neighborhood. Overconcentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public convenience and conditions have been imposed on the grant to regulate its operations.

Statistics from the Los Angeles Police Department reveal that in Crime Reporting District No. 118, which has jurisdiction over the subject property, a total of 73 crimes were reported in 2017 compared to the citywide average of 176 crimes and the High Crime Reporting District average of 211 crimes. Part 1 Crimes for the reporting district included: Homicide (1), Rape (2), Robbery (4), Aggravated Assault (9), Burglary (14), Auto Theft (11), and Larceny (32). Part 2 Arrests for the reporting district include: Fraud (1), Received Stolen Property (2), Prostitution (1), Disturbing the Peace (2), DUI (2), and Moving Traffic Violations (7), and Federal Offenses (2).

No evidence was submitted for the record by the LAPD or adjacent property owners or occupants indicating or suggesting any link between the subject site and the neighborhood's crime rate. Further, there is no specifically established link between the above information and the property, since the statistics cover an entire district and do not pertain particularly to the subject site. The incorporation of conditions relative to the specific operation of the establishment was deemed necessary in order to mitigate any possible adverse impact on the welfare of the surrounding area. The public safety measures to mitigate potential nuisance activities have been incorporated into the grant to assure better oversight. Thus, as conditioned, it is not anticipated that the sale of alcoholic beverages for consumption on the premises would result in an undue concentration of such premises.

6. The use will not detrimentally affect the nearby residentially zoned communities in the area after giving consideration to the distance of the proposed use from residential uses, 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 following sensitive uses are located within 1,000 feet of the subject site:

- Multi-family residential uses
- Castelar Elementary School, 840 Yale Street
- The Institute for Art and Olfaction, 932 Chung King Road
- Parenting Classes 4 U, 418 Bamboo Lane
- Coagula Curatorial, 974 Chung King Road

While there are sensitive uses located in proximity to the project site, the instant request includes conditions that require compliance with the Monitoring Verification and Inspection Program (MViP) and the prohibition of public dancing. Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The site is located within a fully developed urban neighborhood with a mixture of residential, commercial, and institutional uses. Additionally, game machines, pool tables, or similar game activities or equipment shall not be permitted. Adherence to the Standardized Training for Alcohol Retailers (STAR) program has been imposed to encourage responsible management and to deter criminal activity. A 24-hour telephone hot line shall be provided to residents and local neighborhood associations for reporting of any complaints. As conditioned, the proposed use will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

This determination 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. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, 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 a 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 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, or the approval may be revoked.

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination 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 this Determination, 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>.

Planning Department public offices are located at:

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

Valley Office
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles Office
1828 Sawtelle Boulevard, 2nd Floor
Los Angeles, CA 90025
(310) 231-2598

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077 or through the Department of City Planning website at <http://planning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

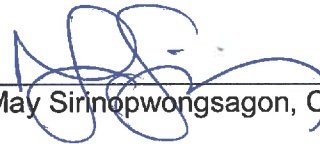
VINCENT P. BERTONI, AICP
Director of Planning

Approved by:



Jane Choi, AICP, Senior City Planner

Reviewed by:



May Sirinopwongsagon, City Planner

Prepared by:



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