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Decision Date: December 7, 2023

Last Day to File Appeal: December 22, 2023

Seung Jung (A)
Goldi Lounge
524 South Western Avenue
Los Angeles, CA 90020

Jimmy Han (O)
710 South Tremaine Avenue
Los Angeles, CA 90005

Nathan Freeman (R)
FMG
3550 Wilshire Boulevard, Unit 1064
Los Angeles, CA 90010

CASE NO. ZA-2023-2709-CUB-CUX
CONDITIONAL USE
524 South Western Avenue
Wilshire Community Planning Area
Zone : C2-1
D. M. : 135B193
C. D. : 10 – Heather Hutt
CEQA : ENV-2023-2710-CE
Legal Description: Lot 130; Kensington Place Extension Tract

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new restaurant;

Pursuant to Los Angeles Municipal Code Section 12.24 W.18, I hereby APPROVE:

a Conditional Use to allow patron dancing and live entertainment in conjunction with a new restaurant; and

Pursuant to Los Angeles Municipal Code Section 12.24 W.27, I hereby APPROVE:

a Conditional Use to permit hours of operation beyond 11:00 p.m. in lieu of the permitted hours between 7:00 a.m. and 11:00 p.m. for Mini-Shopping Center in the C2-1 Zone.

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 and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action. Revised plans shall be submitted with no enclosed rooms and a dance floor with a maximum of 100 square feet.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.

6. 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 main 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.

7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a new 4,910 square-foot restaurant. The grant shall be subject to the following limitations:

   a. Hours of operation shall be limited to 11:00 a.m. to 2:00 a.m., daily.

   b. Live entertaining and patron dancing shall be limited to 9:30 p.m., to 1:30 a.m., daily.

   c. Indoor seating shall be limited to a maximum of 73 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.

8. The authorization granted herein is for a period of five years from the effective date of the subject grant.

9. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.

10. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.

11. The operator shall retain full control of all events within the subject premises.

12. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris or litter.

13. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.

14. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.

15. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.

16. Any music, sound or noise 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.

17. 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 subject premises and the facility to discourage illegal and criminal activities 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.

18. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.

19. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.

20. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.

21. An electronic age verification device shall be purchased and retained on the premises for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.

22. **Complaint Log.** Prior to the beginning of operations, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:

    a. Entry, visible to pedestrians

b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

23. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.

24. Loitering is prohibited on or around these premises and the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility. Signs shall be posted in English, Spanish, and Korean.

25. The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

26. The establishment shall be maintained as a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.

27. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility that restrict, limit or obstruct the clear observation of the occupants.

28. Prior to the effectuation of this grant, revised plans shall be submitted incorporating the changes:

a. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.

b. The mezzanine shall not be enclosed and shall maintain transparency and remain unobstructed at all times.

29. No employee or agent shall be permitted to accept money or any other item of value from a customer for the purpose of sitting or otherwise spending time with the customers while on the premises. No patrons shall be made available to act as escorts, companions, or guests of customers. Employees shall not be allowed to solicit or accept any alcoholic or non-alcoholic beverage from any customers in the premises.

30. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.

31. The applicant / operator shall obtain permits from the Los Angeles Police Permit Processing Section, pursuant to LAMC Sections 103.102 and 103.106. Copies of said permits shall be submitted to the Department of City Planning **within 30 days of their issuance** for inclusion in the case file.

32. Live entertainment consisting of DJ, live music and patron dancing is permitted within the 100 square-foot dance floor also shown on "Exhibit A". Revised plans shall be submitted, outlining clearing the 100 square-foot dance floor.

33. There shall be no permanent dance floor. A maximum 100 square-foot area by the stage, as shown on the revised Floor Plan, Exhibit A, may be demarcated as a dance floor during live entertainment events. The total number of persons shall be maintained at or below the occupancy approved by the Fire Department.

34. The establishment shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the establishment for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public.

35. The premises shall not be leased or rented to outside promoters or to any third parties for private parties or special events. The applicant/operator may host private parties or events where a fixed number of customers is predetermined and does not exceed the seating capacity or maximum occupancy approved by the Fire Department. The conduct of the business during any private parties shall be under the direct control of the business owner/operator and restaurant management staff shall be present during private parties. The person responsible for the private party or event shall be provided with a copy of the conditions of this grant and the language below or similar language shall be included in the contract related to any private party or event. **Prior to the utilization of this grant,** the Applicant shall provide a copy of its standard contract related to private parties or events to the Department of City Planning for inclusion in the case file.

The total number of guests shall not exceed the maximum occupancy determined by the Fire Department. Restaurant management staff shall be present during the private party or event. The City's conditions of approval imposed on the operation of the establishment by Case No. ZA-2023-2709-CUB-CUX, which permits the sale and dispensation of a full line of alcoholic beverages for on-site consumption, shall be observed at all times during the private party or event.

36. Valet parking shall be provided to restaurant patrons. The availability of said validated parking and the location of said parking shall be made known to the public via the restaurant menu, a posting of the information at readily visible locations and on the restaurant website. The applicant shall provide a copy of the menu, signs or web page, for inclusion in the case file.

37. A single valet operator shall be on-site who shall be responsible for enforcement of any conditions of this action regarding valet parking.

38. Passenger loading shall be limited to the existing passenger loading spaces along Western Avenue which shall also apply to any valet service. No other street parking shall be used by the valet service for passenger loading at any time.

39. Valet service shall not utilize any local streets for the parking of vehicles at any time.

40. Staff of the facility will monitor the immediate vicinity in order to ensure that no public consumption of alcoholic beverages occurs. Staff of the facility will also be responsible to constantly monitor and ensure patrons do not take open alcoholic beverages for on-site and off-site consumption beyond the entrance doors onto the sidewalk.

41. Security personnel shall take steps necessary to prevent departing guests who appear to be intoxicated from driving, including, observing patrons as they are walking them to their motor vehicle and actively encouraging the alternative use of designated sober drivers and/or having the security personnel call a taxi cab or other driving service.

42. All security personnel shall maintain order therein and prevent any activity that would interfere with the quiet enjoyment of their property by nearby residents. The security personnel shall, to the reasonable extent possible:

    a. Encourage patrons to exit quietly. Security shall monitor any crowd forming at the entrance of the venue. Security will disperse loitering crowds during hours of operation and after closure of business.

    b. Prevent loitering at the entrance and parking area of the premises.

    c. Provide supervised security staff-assisted escorts especially at closing, from the location to the patron's car.

d. Security shall remain posted 30 minutes after end of business hours, and ensure loitering crowds are dispersed and not causing a noise disturbance.

43. If the premise has live entertainment (i.e. disc jockey, karaoke, comedy shows, live events, or similar events) the business operator shall go through the process set by LAPD Commission Investigation Division for a "Live Café Entertainment" permit.

44. Any live music performances shall require the appropriate permit from the Police Commission as well as approval from the Olympic Area Vice Unit.

45. The operator shall retain full control of all events within the subject premises. At no time will the premises host raves or other similar events. The premises shall not sublet to outside promoters or to any third parties for private parties or special events.

46. The boundaries of the dance floors shall be confined to the area as indicated on the applicant's floor plans. Dancing shall not occur outside these boundaries.

47. The business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting.

48. The business operator/manager shall be responsible for alleviating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting.

49. Amplified music shall not be audible beyond the outside of the premises and sound equipment shall be insulated and positioned away from walls to render vibrations and reverberations beyond the premises.

50. A menu will be provided to every customer upon being seated.

51. A Designated Driver Program will be implemented and available for one designated driver per party. The designated driver will be provided with complementary non-alcoholic beverages consisting of the following:

a. Coffee or tea and/or other non-alcoholic beverages (soda/juice).

52. Pyrotechnic displays or presentations will not be used any time.

53. Meet, and ongoing communications with LAPD Olympic Division Area Vice, as well as the Senior Lead Officer to review any questions or concerns regarding operations and incidents. Review a list of scheduled special events thirty days prior to same.

54. Ongoing review of the restaurant operations/security plan and any community inquires on a monthly bases with Olympic Bice and adjust the polices as warranted by mutual concurrence.

55. Digital video of any unlawful conduct will be identified and proactively provided to Olympic vice and the Senior Lead Officer.

56. The applicant shall provide at least one State licensed security guard for every 1,000 square foot of restaurant floor area on a daily basis. The guards shall comply with the requirements of the California Business and Profession Code Section 7582.26(f).

57. Two security guards will be positioned on the exterior of the restaurant, two security guards will be located inside the restaurant, and one security guard will be located in, and around the parking areas.

58. State licensed security guards shall be provided. Security personnel shall wear clothing or uniforms that are easily identifiable. The security guard shall regularly patrol the area under the control of the establishment to prevent loitering or undesirable activity by persons around the premises. The security guard must be certified by the State Department Bureau of Consumer Affairs, Bureau and Security and Investigative Services.

59. All security guards shall be trained to the most current industry standards/techniques associated with the restaurant per the State of California Best Practices.

60. All security guards shall be trained to call 911 to report unusual and unlawful activity in and around the subject premises per the State of California Best Practices.

61. Security guards will be trained to monitor guests ingress/egress (including adjacent sidewalks and associated parking areas) to ensure full access to the public right-of-way by the general public, per the State of California Best Practices.

62. All employees are required to wear clothing or uniforms that are clearly identifiable from restaurant patrons.

63. All employees will required to undergo a thorough background check as part of the application/hiring process.

64. A personnel file shall be maintained of each employee that contains the employees full name, current address, and photocopy of identification.

65. The owner/operator shall not permit any employee to solicit in or upon the licensed premises, the purchase or sale of any beverage; any part of which is for or intended for the consumption or use of such employee or to permit any employee of such to accept in or upon the premises, any beverages which has been purchased or sole there in any part, of which the beverage is for or intended for the consumption or use of any employee.

66. Within six months of employment, all employees shall take and successfully complete a certified Human Trafficking course/program approved by the city of Los Angeles, including the Los Angeles Police Department Olympic Community Police Station Area Vice. Signs will be appropriately posted in the venue regarding this.

67. Valet parking shall be provided to restaurant patrons. The availability of said valet parking and the location of said parking shall be made known to the public via the restaurant menu, a posting of the information at readily visible locations and on the restaurant website. The applicant shall provide a copy of the menu, signs, or web page, for inclusion in the case file.

68. A single valet operator shall be on-site who shall be responsible for enforcement of any conditions of this action regarding valet parking.

69. The valet service provider shall utilize the latest technology that allows customers to text them before they depart the venue.

70. The applicant shall contact the LAPD Vice and the Senior Lead Officer, Council District 10, and the Wilshire Center-Koreatown Neighborhood Council on a quarterly basis via e-mail and or written correspondence to ensure compliance with the restaurant's operations and security plan.

71. The applicant shall attend future Wilshire Center-Koreatown Neighborhood Council meetings upon the request of the chair of the land use committee, or the president of the general board.

ADMINISTRATIVE CONDITIONS

72. **Expedited Processing Section.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

73. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC 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.

a. Within 24 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.

b. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.

74. 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. The application, in association with the appropriate fees, shall be submitted to the Development Services Center, Department of City Planning, within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add, or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.

75. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD, Department of ABC, or the Council Office) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, 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.

76. **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, 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.

b. 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.

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 $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 (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 in paragraph (b).

e. 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than $2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application and the plans submitted therewith, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, and statements made at the public hearing on August 16, 2023, I find that the requirements for authorizing a conditional use under the provisions of Section 12.24 W.1, 12.24 W.18, and 12.24 W.27 have been established by the following facts:

BACKGROUND

The site consists of seven rectangular lots under the same ownership, located on the east side of Western Avenue between 5th Street to the north and 6th Street to the south. The proposed restaurant is approximately 55 feet in width and 143 feet in depth, with a 4,910 square foot cut-out at the northeast corner. The subject site is currently developed with a one-story commercial building. The applicant is providing 62 off-site parking spaces, located to the immediate south. They are dispersed among three separate lots, Lots 12, 13, and 14. Restricted/metered/permit parking is also available on Western Avenue.

The subject property is zoned C2-1 and is located within the Wilshire Community Plan area. The Community Plan Area Map designates the subject property for Neighborhood Office Commercial land uses corresponding to the C1, C1.5, C2, C4, P, CR, RAS3, and RAS4 zones. The subject property's zoning is thus consistent with the General Plan's land use designation for the site. The subject property is located within the Wilshire Center/Koreatown Redevelopment Project Area (ZI-2488), a Transit Priority Area in the City of Los Angeles (ZI-2452), a State Enterprise Zone (ZI-2374), and a Housing Element Inventory of Sites (ZI-2512). The subject site is located within approximately 1.2 kilometers of the nearest fault zone (Puente Hills Blind Thrust). The subject property is not located within the boundaries of or subject to any other specific plan, community design overlay, or interim control ordinance.

The applicant is requesting a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the new 4,910 square-foot restaurant, that will contain 73 indoor seats. The proposed hours of operation for the new restaurant are from 11:00 a.m. to 2:00 a.m., daily. In addition, the applicant is requesting a Conditional Use to permit patron dancing and live entertainment in conjunction with the proposed restaurant. Patron dancing and live entertainment is proposed 9:00 p.m. to 2:00 a.m., daily. The project will occupy both the first and mezzanine floors of a currently vacant tenant space. The project is limited to tenant improvements that will not expand the footprint or increase the height of the existing building. No variance from the required parking per LAMC has been requested.

The tenant space is currently vacant and the previous restaurant that was granted a Conditional Use to allow for the sale and dispensing of a full line of alcoholic beverages, as well as a Conditional Use to allow patron dancing and live entertainment (Case No. ZA-2013-0307-CUB-CU) was never moved forward on opening the restaurant.

The surrounding neighborhood generally consists of commercial properties with multi-residential uses located to the rear, easterly of the site. Properties to the north of the site are zoned C2-1 and are improved with one-story commercial buildings occupied by restaurants. Properties to the south of the site are zoned C2-1 and are improved with restaurants, surface parking lot, a bank, and a discount store. Properties to the east of the site are zoned R4-2 and are developed with three-, four- and six-story apartment buildings. Properties to the west of the site are zoned C2-1 and are developed with one- and two-story commercial buildings occupied by a mini-mail, a studio, a store front church, and other retail and residential uses.

STREETS

Western Avenue, adjoining the property to the west, is a designated Avenue II dedicated to a width of 87 feet and improved with curb, gutter, and sidewalk.

Previous Cases, Affidavits, Permits, and Orders on the Subject Property:

Case No. ZA-2013-307-CUB-CU – On May 30, 2014, the Zoning Administrator approved a Conditional Use to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed sports bar with live entertainment and a Conditional Use to permit hours of operation beyond 11p.m. in lieu of the permitted hours between 7 a.m. and 11 p.m. for Mini-Shopping Center/Commercial Corner developments in the C2-1 Zone.

Previous Cases on Surrounding Properties:

Staff utilized a 600-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with alcohol-related conditional use and patron dancing approvals. The following cases were identified to be within 600 feet of the subject property and filed within the last five years:

Case No. ZA-2021-2521-CUB-CU – On August 13, 2021, the Zoning Administrator approved a conditional use to authorize the sale and dispensing of beer and wine only for on-site consumption, in conjunction with a proposed restaurant in the C2-2 Zone, with hours of operation from 10:00 a.m. to 12:00 a.m. Sunday through Thursday and from 10:00 a.m. to 2:00 a.m. Friday through Saturday, located at 621 South Western Avenue, Units 116-117.

Case No. ZA-2020-775-CUB-CU – On July 20, 2020, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing theater, with hours of operation from 8:00 a.m. to 2:00 a.m. daily, located at 3790 West Wilshire Boulevard.

Case No. ZA-2019-473-CUB – On June 19, 2020, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant, with hours of operation from 10:00 a.m. to 2:00 a.m. daily, in the C4-2 Zone, located at 3807 West Wilshire Boulevard, #120-125.

Case No. ZA-2019-3310-CUB – On March 5, 2020, the Zoning Administrator approved a Conditional Use Permit to allow the continued sale and dispensing of beer and wine for on-site consumption, in conjunction with existing restaurant in the C2-2 and [T][Q]C2-2 Zones, with hours of operation from 11:00 a.m. to 12:00 a.m. daily, located at 621 South Western Avenue, #301.

Case No. ZA-2019-1536-CUB – On November 12, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant in the C2-2 Zone, with hours of operation from 8:00 a.m. to 2:00 a.m. daily, located at 611 South Western Avenue, Suite B.

Case No. ZA-2018-3565-CUB-CUX – On August 29, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing restaurant having live entertainment, with hours of operation from 10:00 a.m. to 2:00 a.m. daily, in the C4-2 Zone, located at 3760 West Wilshire Boulevard.

Case No. ZA-2019-510-CUB-CUX – On August 16, 2019, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed restaurant and karaoke lounge, with hours of operation from 10:00 a.m. to 2:00 a.m. daily, in the C2-2 Zone, located at 3900 West 6th Street.

On January 28, 2020, the Central Los Angeles Area Planning Commission granted an appeal of the Zoning Administrator's decision by the applicant and denied an appeal of the Zoning Administrator's decision.

Case No. ZA-2018-6464-CUB – On April 3, 2019, the Zoning Administrator approved a Conditional Use to allow the sale of beer and wine only for on-site consumption, in conjunction with an existing restaurant in the C2-1 Zone, with hours of operation from 10:00 a.m. to 11:00 p.m. Sunday through Thursday and from 10:00 a.m. to 12:00 a.m. Friday through Saturday, located at 3905 West 6th Street.

Public Correspondence

A correspondence was received from the Wilshire Center-Koreatown Neighborhood Council, dated October 16, 2023, stating in support of the proposed project and recommending incorporating the applicant volunteered conditions in the Restaurant Operation and Security Plan and recommendations of the Noise Impact Assessment report.

Public Hearing

The public hearing was held virtually via Zoom teleconference on August 16, 2023 at 9:30 a.m. through ZOOM. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

Nathan Freeman, the project representative, introduced the project and stated the following:

- Will go to the Neighborhood Council PLUM next week and full board next month
- Previous use was a shoe warehouse
- Undergoing tenant improvements
- Will have sound installation
- This is a full service restaurant
- Menu will be expanded after interviewing and selecting chefs
- The site was previously approved for a sports bar under ZA-2013-0307-CUB-CU, but had a grant until May 30, 2019; Council Office supported the project
- Submitted a security plan to the case file that includes: a 24-hour compliance hotline, signage on the exterior for no loitering, noise and sound consultant, kitchen will be open at all hours, retain license for the live music, meet with LAPD community relations on a quarterly basis, security guard every 1,000 square feet, two security – exterior and interior, restaurant training program, background check, human trafficking course
- Met with LAPD in August
- Met with the Council Office

Hakeem Park-Davis, representing Council District 10, stated the following:

- Over concentration of alcohol licenses in the area
- There is a back door and next here is an existing outdoor patio
- Size of the venue and the number of seats compared to the entertainment; proportion of the size has issues and concerns
- Plans do not represent the operation

- The booth and stage does not match the dance floor
- Are the tables and a mistake or are they movable; tables are not facing the entertainment; can they be moved and be a dance floor
- There are two other private rooms upstairs; appears to be a VIP room
- Rooms would need to have transparency and glass; would need to be property conditioned if approved such as no bottle service
- Bar seating is inconsistent with the size
- Parking owned by the same owner
- Curious how applicant will have security in the parking and it's a shared lot
- People will congregate and there are public safety concerns
- Issues of loitering
- Cannabis next door
- They are calling this as a restaurant but it sounds like a mega-club
- Will intensify nearby City resources (LAPD)
- Concerns with the proposed hours and pedestrian flow
- Property borders residential zone to the east
- Parking to the east is for residential use
- Needs sound attenuation and noise abatement; vibration concerns
- The restaurant and lounge is inconsistent with the request for live entertainment and dancing
- There is an integrity aspect of the owner/operator since they have another venue in the district that has generated concern; the other venue was on the news in regards to the lack of security and noise
- This venue is triple the size of the other venue

Evette Kim, the Field Deputy representing Council District 10, stated the following:

- The other business stated by Hakeem Park-Davis is located on Berrendo/6th
- The other business has complaints from other businesses; concerns on how they react to complaints; patrons leave after 2:00 a.m.; arguments outside; noise concerns
- The other businesses attracted attention of the media on the multiple concerns
- This project has the same owner/applicant as the other business

In response to questions raised by the Zoning Administrator and comments raised during the hearing, Nathan Freeman stated the following:

- Regarding the plans, the DJ booth is portable
- In the raised area, there will be no seating when there is entertainment but seating will still be there
- Seating will remain next to dance floor
- There will be no bottle service
- Noise will be fully soundproofed such as a music studio
- People will use Uber/Lyft
- Regarding the other business located at Berrendo and 6th Street, there are also three other restaurants in the area that open to 2:00 a.m., karaoke and bar across the street; most issues are from the other businesses

- Patron dancing will start at 10:00 p.m., daily
- There will be two security outside, two security inside; one at the parking; will only have during the hours of 10:00 p.m. and on
- The mezzanine will be closed but with windows
- Will be doing a covenant and agreement for the required parking
- Will meet with the Neighborhood Council next week and the full board late September

The Zoning Administrator closed the public hearing and stated that the case will be under advisement until October 1st to allow time for the applicant to meet with the Neighborhood Council and to submit a letter from a noise consultant. Following the hearing, the applicant requested to extend the advisement period to November 11, 2023 due to the Neighborhood Council agenda. On October 26, 2023, the applicant submitted the Neighborhood Council letter and on November 6, 2023, submitted the Navcon Noise Impact Assessment letter.

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

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- No cocktail lounge shall be maintained on the premises separate from the dining area.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.

- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- 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.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- The single unit sales of malt liquors and/or malt based products shall be prohibited.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
- Signs shall be prominently posted in English, Spanish, and Korean stating that the California State Law prohibits sales of alcoholic beverages in persons who are under 21 years of age.
- Strict adherence to Department of Alcoholic and Beverage Control laws and conditions, specifically 25612.5 B & P (retail operating standards).

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use plan approval 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-W of the Los Angeles Municipal Code. In order for the sale and dispensing of a full line of alcoholic beverages for on- and off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

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**.

   The proposed restaurant is approximately 55 feet in width and 143 feet in depth, with a 4,910 square foot cut-out at the northeast corner. The subject site is currently developed with a one-story commercial building. The tenant space is currently vacant and the previous restaurant that was granted a Conditional Use to allow for the sale and dispensing of a full line of alcoholic beverages, as well as a Conditional Use to allow patron dancing and live entertainment (Case No. ZA-2013-0307-CUB-CU) was never moved forward on opening the restaurant.

   The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the new 4,910 square-foot restaurant, that will contain 73 indoor seats. The proposed hours of operation for the new restaurant are from 11:00 a.m.

to 2:00 a.m., daily. In addition, the applicant is requesting a Conditional Use to permit patron dancing and live entertainment in conjunction with the proposed restaurant with patron dancing and live entertainment during the hours of 9:00 p.m. to 2:00 a.m., daily. The project will occupy both the first and mezzanine floors of a currently vacant tenant space. The project is limited to tenant improvements that will not expand the footprint or increase the height of the existing building. No variance from the required parking per LAMC has been requested. In response to the Council Office concerns raised during the public hearing and the Operations and Security Plan reviewed by LAPD, the hours of operation for patron dancing and live entertainment have be limited to 9:30 p.m. to 1:30 a.m., daily.

A variety of commercial uses, including restaurants and bars, are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood. The subject establishment is located along Western Avenue, a busy commercial corridor lined with a variety of commercial retail uses and restaurants within the Koreatown neighborhood. The availability of alcoholic beverages ancillary to food service, is consistent with the pattern of many neighborhood restaurants in Los Angeles, particularly in neighborhoods like Koreatown. The grant to allow the ancillary sale of a full line of alcoholic beverages will help augment the desirability of a new restaurant, thereby supporting the vibrancy and longevity of the commercial corridor along Western Avenue and the surrounding neighborhood.

Koreatown has a high volume of patronage, from residents, local employees, and visitors, all of whom would benefit from the proposed establishment. The new restaurant will encourage and promote street-level activity along Western Avenue and will complement and support nearby businesses. The project will bring a variety of live entertainment that will promote night life and revitalize the area and is a desirable amenity to visitors and residents of the surrounding area. The grant to allow ancillary alcohol service for the new restaurant with patron dancing and live entertainment will provide the opportunity for enhanced entertainment options within walking distance for nearby residents, employees, and visitors of the area and support a more pedestrian friendly environment. In addition, the project will provide new opportunities for employment within the community, as well as provide tax revenue to the City.

The ability for the subject site to offer a full line of alcoholic beverages for on-site consumption, with live entertainment, will allow the venue to remain competitive with other establishments serving the same area. Live entertainment with conditions imposed on the operation will allow the restaurant to provide food and entertainment that be offered to residents and visitors of the community. Security will be present on the premises to encourage quiet departures from the establishment as well as address any immediate instances of disruptions. In addition, the grant has been well conditioned to ensure that that use will not adversely impact neighboring residents with conditions that address nuisances, noise, and safety and security, and conditions that promote responsible management. The project will enhance the built environment in the surrounding

neighborhood and will provide a service that is beneficial to the community, city and 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 site consists of seven rectangular lots under the same ownership, located on the east side of Western Avenue between 5th Street to the north and 6th Street to the south. The proposed restaurant is approximately 55 feet in width and 143 feet in depth, with a 4,910 square foot cut-out at the northeast corner.

The surrounding neighborhood generally consists of commercial properties with multi-residential uses located to the rear, easterly of the site. Properties to the north of the site are zoned C2-1 and are improved with one-story commercial buildings occupied by restaurants. Properties to the south of the site are zoned C2-1 and are improved with restaurants, surface parking lot, a bank, and a discount store. Properties to the east of the site are zoned R4-2 and are developed with three-, four- and six-story apartment buildings. Properties to the west of the site are zoned C2-1 and are developed with one- and two-story commercial buildings occupied by a mini-mail, a studio, a store front church, and other retail and residential uses.

The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the new 4,910 square-foot restaurant, that will contain 73 indoor seats. The proposed hours of operation for the new restaurant are from 11:00 a.m. to 2:00 a.m., daily. In addition, the applicant is requesting a Conditional Use to permit patron dancing and live entertainment in conjunction with the proposed restaurant. Patron dancing and live entertainment has been conditioned and limited to the hours of 9:30 p.m. to 1:30 a.m. a.m., daily. The project will occupy both the first and mezzanine floors of a currently vacant tenant space. The project is limited to tenant improvements that will not expand the footprint or increase the height of the existing building. Per the site plan, the applicant is providing 62 off-site parking spaces, located to the immediate south. They are dispersed among three separate lots, Lots 12, 13, and 14.

Public testimony from the Council Office from the public hearing indicated concerns of the hours proposed, noise, number of alcohol establishments, and several other issues, as described in the Public Hearing Section of this determination letter. The Zoning Administrator has determined that granting the sale of a full line of alcoholic beverages for on-site consumption with live entertainment and with the conditions incorporated would address the concerns raised. All activities related with entertainment will be located within an enclosed building which would minimize the noise impact to the surrounding neighborhood and is conditioned to be in compliance with the City's Noise Ordinance. The applicant submitted a Noise Impact Assessment letter, prepared by Navon

Engineering Network, that concluded that the restaurant should not represent an adverse noise impact to the residents.

The subject establishment will be maintained as a bona fide eating place with an operational kitchen and full food menu and provide food service at all times during operating hours. The sale of alcohol will be ancillary to the restaurant's food service, an amenity common in neighborhood restaurants throughout Los Angeles, particularly in neighborhoods like Koreatown. The restaurant's proposed live entertainment and patron dancing has been well-conditioned to ensure that the adjacent properties are not adversely impacted.

With imposition of the conditions of this grant specific to this operation, the subject operation will be able to operate in a responsible manner, and not be detrimental to surrounding uses. The applicant will be in control of all the activities on the premises. The operation will be to subject to the Operations and Security Plan that was reviewed by LAPD and many of the conditions have been incorporated in the determination letter. In addition, the operation will be required to post a complaint number and maintain a log to document the complaints received from the operation. The log will be used to determine compliance with the conditions of this grant. Conditions also address noise and other nuisances, such as loitering, littering, graffiti.

Furthermore, the Zoning Administrator has imposed numerous conditions to prevent adverse impacts and integrate the use into the neighborhood. Conditions address the mode and character, responsible management, addressing of nuisance, and surveillance and training. In addition, the Alcoholic Beverage Control will impose their own set of conditions, which the applicant will also be subject to. Therefore, 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 of the community.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is zoned C2-1 and is located within the Wilshire Community Plan area. The Community Plan Area Map designates the subject property for Neighborhood Office Commercial land uses, corresponding to the C1, C1.5, C2, C4, P, CR, RAS3, and RAS4 zones. The subject property's zoning is thus consistent with the General Plan's land use designation for the site.

The Wilshire Community Plan text is silent with regards to the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. Specifically, the project addresses the following goal, objective, and policy of the Wilshire Community Plan:

GOAL 2: ENCOURAGE STRONG AND COMPETITIVE COMMERCIAL SECTORS WHICH PROMOTE ECONOMIC VITALITY AND SERVE THE NEEDS OF THE WILSHIRE COMMUNITY THROUGH WELL-DESIGNED, SAFE AND ACCESSIBLE AREAS, WHILE PRESERVING HISTORIC AND CULTURAL CHARACTER.

Objective 2-1: Preserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.3: Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.

The project fulfills the intent of the Wilshire Community Plan provisions regarding land use compatibility, by preserving and strengthening an existing viable commercial development within a commercial corridor along Western Avenue. The grant to allow the sale of alcoholic beverages with live entertainment and patron dancing will increase longevity of the restaurant, which in turn will continue to support the vibrancy of the commercial corridor along Western Avenue and the surrounding neighborhood. The proposed restaurant will offer a convenient food and beverage service that will address the needs of the local workforce, residents, and visitors from abroad. Commercial uses, such as the restaurant being proposed, will bolster pedestrian activity in the neighborhood, thus increasing public safety. The sale of alcoholic beverages will augment the desirability of the subject establishment which will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy.

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

The subject property is located in the C2-1 Zone where conditional authorization for the sale of a full line of alcoholic beverages is allowed through the approval of the Zoning Administrator subject to certain findings. The proposed restaurant use is permitted by-right and is appropriate given the surrounding context and General Plan land use designation. Additionally, the project will not result in the physical expansion of the existing commercial building in which the restaurant will occupy. Patron seating is limited to 73 indoor seats, and the dance floor area will be confined to the easterly portion of the first floor of the restaurant.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program or the Department of Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) Program, or the Responsible Beverage Service (RBS) Training Program.

In addition, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. All activity occurring on the subject premises will be required to adhere to the imposed conditions. Additional conditions have been included to ensure the operation provides adequate security measures, including a surveillance system, adherence to the City's Noise Ordinance, and responsible management practices. The City's conditions of approval and any conditions by the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed restaurant 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 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 (ABC) licensing criteria, there are five (5) on-site licenses and three (3) off-site licenses allocated to the subject Census Tract Number 2118.02, based on a population of 4,893. There are currently 41 ABC licenses within this census tract: 40 on-site licenses and one (1) off-site licenses.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license does not negatively impact an area, but rather provides a public service and benefits the community. Although the number of existing on-site licenses exceeds the number allocated to the subject census tract, a higher number of alcohol-serving establishments is to be expected in an area which functions as a major commercial corridor with a variety of commercial services and amenities. In active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. The project will provide a valuable amenity and desirable service that will support the vibrancy and longevity of the commercial corridor along Western Avenue within the Koreatown neighborhood. The proposed restaurant will offer a convenient food and beverage service that will address the needs of the local workforce, residents, and visitors from abroad. Commercial uses such as the restaurant being proposed bolster pedestrian activity in the neighborhood, thus increasing public safety. The restaurant will likely bring in more visitors to the area, generating more revenue for local businesses, thus supporting the community's local economy.

According to statistics provided by the Los Angeles Police Department's Olympic Division Vice Unit, within Crime Reporting District No. 2024, which has jurisdiction over the subject property, a total of 311 crimes (287 Part I and 24 Part II crimes) were reported in 2022, compared to the Citywide Average of 156 crimes and the High Crime Reporting District Average of 187 crimes. In 2022, alcohol-related Part II crimes reported include (5) Narcotics, (0) Liquor Laws, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, (5) DUI related, and (8) Other Offences. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The above statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the citywide average, however, there has been no evidence submitted for the record establishing any nexus between the subject site and the area's crime rate. The project will not adversely affect public welfare because it is a desirable use and convenient amenity in an area designated for such neighborhood-serving commercial uses. Conditions, such as those related to the STAR/LEAD/RBS Program, age verification, and security cameras, have been

imposed by the Zoning Administrator in conjunction with this approval. Public safety measures to minimize nuisance and criminal activities have been incorporated into the grant to assure better oversight. Further conditions may be imposed by the California Department of Alcoholic Beverage Control as conditions on the alcohol license. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate or generate any nuisance activity and will not result in an undue concentration of establishments providing alcoholic beverages.

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 will continue to be utilized as such with the proposed restaurant use. The following sensitive uses are located within a 1,000-foot radius of the site:

MULTI-FAMILY DWELLINGS	
MIJOO YANGKOG CHURCH	519 S WESTERN AVE
HERA'S INCOME TAX SCHOOL TRADE SCHOOL	3966 W 6TH ST
STRAIGHT PERM BEAUTY SCHOOL	3863 W 6TH ST
THE WESTMOR DANCE SCHOOL	607 S WESTERN AVE #3RD FLR
CHRIST CHURCH	635 S MANHATTAN PL
ST JAMES EPISCOPAL SCHOOL PRESCHOOL	625 S ST ANDREWS PL
CINEMA MAKEUP SCHOOL BEAUTY SCHOOL	3780 WILSHIRE BLVD
INTERNATIONAL CHRISTIAN EDUCATION COLLEGE	3807 WILSHIRE BLVD #730
A F INTERNATINAL COLLEGE ENGLISH LANGUAGE SCHOOL	3807 WILSHIRE BLVD #600
CBD COLLEGE VOCATIONAL SCHOOL	3699 WILSHIRE BLVD 4TH FLR

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise, loitering and security. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to the neighborhood and will serve the neighboring residents and local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

FLOOD HAZARD FINDING

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located Outside Flood Zone.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (https://planning.lacity.org/oas) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at http://planning.lacity.org/development-services/forms. Public offices are located at:

Metro DSC
(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012
planning.figcounter@lacity.org

Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401
planning.mbc2@lacity.org

West Los Angeles DSC (CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025
planning.westla@lacity.org

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.

QR Code to Online Appeal Filing

QR Code to Forms for In-Person Appeal Filing

QR Code to BuildLA Appointment Portal for Condition Clearance

Inquiries regarding the matter shall be directed to Sophia Kim, Planning Staff for the Department of City Planning at (213) 978-1208 or sophia.kim@lacity.org.

CHRISTINA TOY LEE
Associate Zoning Administrator

CTL:SK:nm

cc: Councilmember Heather Hutt
Tenth Council District
Adjacent Property Owners