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February 2, 2012

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425 East Pico Boulevard, #206  
Los Angeles, CA 90015

Kevin Franklin (R)  
30408 Olympic Street  
Castaic, CA 91384

CASE NO. ZA 2010-1669(CUB)  
CONDITIONAL USE  
1111 South Hope Street, #110  
Central City Planning Area  
Zone : [Q]R5-4D-O Zone  
D. M. : 127-5A207  
C. D. : 9  
CEQA: ENV 2010-1670-CE  
Legal Description: Lot 7, Arb 2 and 3,  
Lots 8-12, Spencer's Subdivision of  
Block 80 Ord's Survey

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 proposed restaurant,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.



5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. Maximum seating for the restaurant shall not exceed 97 seats, consisting of 73 indoor seats and 24 outdoor seats on a private outdoor patio. No outdoor seating in any public right-of-way has been requested or approved herein. The maximum square footage of the restaurant shall not exceed 2,800 square feet, including a 450 square-foot outdoor patio.
8. Hours of operation shall not exceed 11 a.m. to 12 midnight Sunday through Thursday and 11 a.m. to 2 a.m. Friday and Saturday.
9. The restaurant operator may maintain a bar/food service counter for those patrons who wish to dine at the bar and for those waiting to be seated. The bar and service counter shall be maintained in such a manner so as to comfortably serve food. Dining menus, cutlery and condiments shall be available for use by patrons in the bar/food service area. Food service shall be available at all times at the bar area. The main purpose and use of the facility shall always be a full service restaurant.
10. No after hours use of the premises is permitted. No cover charge or admission fee is permitted.
11. No live entertainment, no jukebox, no disc jockey, karaoke or other form of entertainment is permitted.
12. No conditional use for dancing has been requested or approved herein. No dancing is permitted.
13. No parking variance for any reduction in required parking has been requested or approved herein. Parking shall be provided in compliance with the Municipal Code to the satisfaction of the Department of Building and Safety.
14. Any indoor background music shall not be audible beyond the perimeter of the restaurant's building footprint.
15. No pool tables or coin operated electronic, video or mechanical amusement devices shall be maintained on the premises.

16. These conditions of approval shall be retained on the property at all times and shall be produced immediately upon the request of the Zoning Administrator, Police Department or Department of Building and Safety.
17. If any valet parking is provided for the use of restaurant patrons, valet attendants shall be instructed to comply with all traffic regulations, including strict adherence to one-way alley regulations.
18. No signs advertising the availability of parking in the upper garage levels shall be placed adjacent to pedestrian or vehicular entrances and exits in a manner that impedes the visibility of motorists exiting the garage or creates a safety hazard for pedestrians walking on abutting sidewalks.
19. The restaurant shall maintain its own submeter for water and electricity, respectively, which shall be separate from those used for the parking structure. Proof that such meters have been installed shall be submitted to the Zoning Administrator **within 60 days of the effective date of this action.**
20. The restaurant shall provide a grease interceptor/separator in compliance with any applicable requirements of the Industrial Waste Management Division provisions for food service establishments (FSEs) to the satisfaction of the Bureau of Sanitation in the Department of Public Works. Proof that such interceptor/separator has been installed **or** that it is not required, as determined by the Bureau of Sanitation in writing, shall be submitted to the Zoning Administrator **within 60 days of the effective date of this action.**
21. The applicant shall be responsible for maintaining the area adjacent to the premises over which he/she has control free of litter, including the sidewalk and any parking area used specifically by patrons.
22. The applicant shall not permit any loitering on the premises or on property adjacent to the subject premises.
23. Any exterior lighting shall be installed such that the light is directed onto the subject site. Lighting shall be adequate to identify anyone in the front of the building at night. Lighting shall be shielded from any residential uses.
24. There shall be no use of the subject premises which involve Section 12.70 of the Los Angeles Municipal Code uses (Adult Entertainment), including but not limited to wet T-shirt contests, leg contests or mud or oil wrestling.
25. No pay phone shall be maintained on the exterior of the location.
26. An electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point-of-sales location. These device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the utilization of this approval.

27. The applicant shall install and maintain security cameras and a one month video library that covers all indoor and outdoor common areas of the restaurant, high-risk areas and entrances or exits and that is separate or supplements any existing system for the entire parking structure. The videotapes shall be made available to Police upon request.
28. The applicant owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control, including insuring that no activities associated with narcotics sales, use or possession, gambling or prostitution occur.
29. **Within six months of the effective date of this action**, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers (STAR)". Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. **The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance.** In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.
30. A kitchen shall be maintained in the restaurant in accordance with the definition of such in the Los Angeles Municipal Code. Food service shall be available at all times that the restaurant is open for business. The premises shall operate strictly as a restaurant and not a nightclub.
31. All licenses, permits and conditions shall be posted in a conspicuous location at the facility. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all of the ABC and conditional use permit conditions. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators or any other City agency upon request.

**Condition Nos. 32 through 36 are alcohol-specific conditions which have been volunteered by the applicant**

32. There shall be no cocktail lounge.
33. Alcohol shall be sold in conjunction with a food order.
34. No off-site sales of alcohol as a secondary use to the on-site sales is permitted.
35. No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
36. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages

of the licensee's business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand.

37. At any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption in or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes.
38. The authorization granted herein for the sale of alcohol is for a period of **five years** from the effective date of this grant. **Thereafter, the applicant shall be required to obtain a new authorization to continue the sale of alcohol.**
39. **Within 30 days of the effective date of this action**, 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 Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

#### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION**

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

#### **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 \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

**APPEAL PERIOD – EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after FEBRUARY 17, 2012, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

### NOTICE

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

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on July 28, 2011, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

### **BACKGROUND**

The property is a relatively level, rectangular-shaped, corner parcel of land, consisting of six contiguous lots totaling 39,928 square feet and having a frontage of approximately 263 feet on the west side of Hope Street and approximately 155.19 feet along 11th Street. The block is bisected by a 20-foot wide north/south one-way alley which bounds the subject site on the west.

The subject site is presently developed with a six-level parking structure with vehicular ingress/egress via a two-way driveway along Hope Street in addition to a two-way driveway along the abutting 20-foot wide north/south one-way alley. The remainder of the easterly half of the block (the portion east of the alley) is developed with two, pay parking lots. The three northerly lots directly west of the alley are owned by the same property owner as the subject site and are developed with a commercial building housing Palms Restaurant.

The properties to the north of the ownership across 11th Street are zoned [Q]R5-4D-O and developed with multi-story mixed-use commercial and residential structures with their accompanying parking lots (surface parking lots). The relatively new, eight-story Metropolitan Loft building has a comparable restaurant on the first floor level (the BottleRock Wine Bar).

The adjoining properties fronting on Flower Street to the west and south of the site are zoned [Q]R5-4D-O and developed with a commercial building, residential uses and parking.

The properties to the east of the site across Hope Street are zoned [Q]R5-4D-O and are developed with one-story industrial buildings in addition to a two-story industrial building (which appears to be vacant).

The properties to the west of the ownership on the west side of Flower Street are in the Los Angeles Sports and Entertainment District Specific Plan, zoned LASED and developed with a surface parking lot.

Hope Street, adjoining the site to the east, is a two-way Secondary Highway with a variable width of 80 to 85 feet and improved with curb, gutter and sidewalk.

11th Street, adjoining the site to the north, is a one-way (westbound) Collector Street with a variable width of 60 to 86 feet and improved with curb, gutter and sidewalk.

12th Street, in the near vicinity of the site to the south, is a one-way (eastbound) Collector Street with a variable width of 60 to 62 feet and improved with curb, gutter and sidewalk.

Flower Street, in the near vicinity of the site to the west is a one-way (southbound) Secondary Highway with a width of 90 feet and improved with curb, gutter and sidewalk. It should be noted that the Blue Line Metro Rail underground tunnel begins adjacent to the subject ownership.

The north/south alley, bisecting the subject ownership, is a through one-way alley and is improved with asphalt pavement and concrete gutter within a 20-foot dedication.

Previous zoning related actions on the site/in the area include:

#### Subject Property

Permit No. 10016-10000-11371 – On May 3, 2011, a permit was ready to issue for a change of use from retail to restaurant, involving approximately 2,780 square feet, located in the northeastern corner of the ground floor of the building, presently proposed for the subject restaurant.

Permit No. 09016-10000-14214 – On December 1, 2009, a permit was ready to issue for a change of use from retail to restaurant, involving approximately 2,100 square feet, located in the northwestern corner of the ground floor of the building, presently occupied by the "Arashi Sushi" restaurant.

Multiple Building Permit Nos. – On March 28, 2000, a Certificate of Occupancy was issued for a new six-story, 558-stall parking garage with 11,371 square feet in commercial and storage space.

Case No. CPC 2010-0213(CA) – On March 27, 2011, Ordinance No. 181,574 became effective, resulting in changes to the Los Angeles Municipal Code regarding the Transfer of Floor Area Rights within the Central City Community Plan and City Center Redevelopment Project Areas of the Community Redevelopment Agency.

Case No. ZA 2009-3230(CUB) – On April 5, 2010, the Zoning Administrator approved the sale of beer and wine only for on-site consumption in conjunction with a proposed, approximately 2,300 square-foot restaurant, accommodating a maximum of 50 seats interior (no outdoor seating permitted), and hours of operation from 11 a.m. to 11 p.m. daily, within Unit #100. The grant was authorized for a five-



year term and an Approval of Plans application, to review compliance with imposed conditions, is required to be filed within the first year of the grant.

Case No. CPC 2008-4502(GPA) – On April 24, 2009, the City Council adopted a General Plan Amendment to the Central City Community Plan modifying the street design standards for selected streets, incorporating the Urban Design Guidelines; and amending the Transportation Element to conform with the revised street design designations.

Case Nos. CPC 2005-0361(CA), CPC 2005-1124(CA), and CPC 2005-1122(CA) – On September 23, 2007, Ordinance No. 179,076 became effective, resulting in the establishment of the Greater Downtown Housing Incentive Area.

Affidavit Nos. AFF 991763636 and AFF 990824117 – Information regarding these documents could not be located.

Case Nos. CPC 97-0105(CUP), CPC 97-0106(DA), and CPC 97-0120(CUB) – On October 21, 1997, Ordinance No. 171,764 was approved by City Council, approving a Development Agreement and a Conditional Use to permit the construction, use and maintenance of a sports and entertainment complex consisting of a 22,000-seat, 950,000 square-foot arena, 100,000 square feet of ancillary retail, restaurant, and entertainment uses, 50,000 square feet of office space, and the sale and dispensing of alcoholic beverages within the arena and four exterior establishments within the approved complex.

Case No. CPC 94-0225(CPU) – On January 8, 2003, the City Council adopted a Plan Update of the Central City Community Plan, resulting in changes to various zone and height district changes associated with the Los Angeles Sports and Entertainment District Specific Plan.

Affidavit No. AF-91-817593-LT – On July 3, 1991, a Covenant and Agreement to Hold Property as One Lot, involving a portion of Lot 7, Lot Nos. 8 and 9, and was filed with the Los Angeles County Recorder's Office.

Case No. CPC 86-0606(GPC) – On January 30, 1989, Ordinance No. 164,307-SA2935 became effective, resulting in a change of zone from M2-4-O to [Q]R5-4D-O.

Case No. CPC 20352 – On January 5, 1967, the City Planning Commission approved the establishment of an Urbanized Oil Drilling District, U-153; this District was later approved by City Council via Ordinance No. 134,009.

#### Surrounding Properties

Case No. ZA 2009-0161(CUB) – On September 9, 2009, the Zoning Administrator approved the continued sale of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing 13,755 square-foot restaurant ("The Palm Restaurant"), accommodating a total of 367 seats interior and an additional 78 seats exterior, with 24-hour daily operation, on property located within

the [Q]R5-4D-O Zone, at 1100 South Flower Street.

Case No. ZA 2008-0373(CUB) – On August 12, 2008, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an approximately 4,540 square-foot ground floor restaurant and bar, having a maximum of 278 seats, including 110 interior and 72 exterior (restaurant), and 44 interior and 52 exterior (bar), with hours of operation from 7 a.m. to 2 a.m. daily, on property located within the [Q]R5-4D-O Zone, at 1137-1149 South Grand Avenue.

Case No. ZA 2007-5259(CUB) – On April 28, 2008, the Zoning Administrator approved the sale of a full line of alcoholic beverages for on- and off-site consumption, in conjunction with a proposed 2,156 square-foot ground level restaurant with outdoor dining upon the public sidewalk, also having a bar and lounge and limited live entertainment, accommodating 184 seats interior and 64 seats exterior, with hours of operation from 7 a.m. to 2 a.m. daily, on property located within the [Q]R5-4D-O Zone, at 401-405 West 12th Street.

Case No. ZA 2007-2631(CUB) – On September 26, 2007, the Zoning Administrator approved the sale of beer and wine only for on- and off-site consumption in conjunction with a proposed 3,725 square-foot wine store and bar, accommodating 118 patrons, including 30 seats upon an outdoor patio area, with hours of operation from 9 a.m. to 2 a.m. daily, on property located within the [Q]R5-4D-O Zone, at 1050 South Flower Street.

Case No. ZA 2007-1362(CUB) – On August 24, 2007, the Zoning Administrator approved the sale of a full line of alcoholic beverages in conjunction with a proposed 8,580 square-foot restaurant with bar and lounge, also having limited live entertainment, accommodating a total maximum of 353 seats (92 seats in the bar and lounge area, 84 seats in the main dining area, 48 seats in a secondary dining area, and 129 seats in an outdoor patio area), with hours of operation from 7 a.m. to 2 a.m. daily, on property located within the C4-2D Zone, at 1212 South Flower Street.

Case No. ZA 2007-0319(CUB) – On June 26, 2007, the Zoning Administrator approved the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a 4,896 square-foot restaurant, accommodating a maximum of 165 seats, with hours of operation from 7 a.m. to 2 a.m. daily, on property located within the [Q]R5-4D-O Zone, at 1050 South Flower Street, #101.

Case No. ZA 2006-9757(CUB) – On October 29, 2007, the Zoning Administrator approved the sale of a full line of alcoholic beverages for on- and off-site consumption, in conjunction with a proposed 6,362-square-foot restaurant with bar and lounge, accommodating a maximum of 239 seats (80 interior restaurant, 75 interior bar, 68 exterior restaurant, 16 exterior bar) also having limited live entertainment, with hours of operation from 7 a.m. to 11 p.m. Sunday through Thursday, and from 7 a.m. to 2 a.m. Friday and Saturday, on property located within the [Q]R5-4D-O Zone, at 1100 South Hope Street.

Case No. ZA 2005-8070(CUB) – On May 8, 2006, the Zoning Administrator approved the sale of a full line of alcoholic beverages for on-site consumption in conjunction with an existing 1,948 square-foot restaurant/bar and lounge, accommodating 64 patrons (39 interior, 25 exterior), with hours of operation from 4 p.m. to 2 a.m. Monday through Friday, and from 10 a.m. to 2 a.m. Saturday and Sunday, on property located within the [Q]R5-4D-O Zone, at 714 West Olympic Boulevard.

Case No. ZA 2001-4711(CUB) – On January 18, 2002, the Zoning Administrator approved the sale of a full line of alcoholic beverages in conjunction with a proposed 13,755 square-foot restaurant, accommodating 367 seats interior and 75 seats exterior, with 24-hour daily operation, on property located within the [Q]R5-4D-O Zone, at 1100 South Flower Street.

### **PUBLIC HEARING**

A hearing officer conducted a hearing on this matter on July 28, 2011 at the Los Angeles City Hall, Room 1020. The hearing was attended by the applicant's representative, the prospective operator of the subject proposed restaurant and two residents who live in residential units in an adjacent loft building.

The applicant's representative briefly described the project saying that the request involves a new conditional use to permit the on-site sale of a full line of alcohol in conjunction with a proposed restaurant. The representative noted that the restaurant operator was interested in having live music, limited to a three-piece jazz ensemble on holidays and special occasions. He further added that the music would not be amplified.

The two abutting residential neighbors provided the following testimony:

- The parking structure is under separate ownership and is connected by a bridge to the Flower Street Lofts building, which uses the structure for its parking. 180 parking spaces in the parking garage are allotted to the residents of the Flower Street Lofts.
- The parking garage is not operated well.
- Trash is not handled well and the trash facilities are not sufficient to handle the waste created by the restaurants that occupy the ground floor commercial spaces in the parking structure.
- The trash area does not have proper floor drains, and water from the waste collects in the area, creating unsanitary conditions.
- Bad odors emanate from the area, and there are maggots in the area that houses the trash receptacles.
- People urinate in one of the secluded entryways to the parking garage; it smells bad and the owner doesn't clean it.

- The owner should power wash the area twice a year.
- The parking garage owner positions a portable electronic display sign, which advertises the parking, adjacent to one of the driveways and pedestrian entrances to the garage in a manner that impedes the visibility of motorists exiting the garage, which creates a safety hazard and endangers pedestrians walking on the adjacent sidewalk.
- Neighboring residents are concerned about the operating conditions that will be placed on the proposed restaurant use and whether they will be enforced.
- The parking garage has spotty security.
- The alley is marked one way but that restriction is not honored.
- The Palms Restaurant approval required security, but the restaurant is not in compliance with this condition.
- The subject restaurant is proposing to stay open later than the two closest restaurants, one of which closes at 12 midnight and the other of which closes at 11 p.m.

The applicant's representative and the prospective restaurant operator provided the following testimony in response to the above comments:

- The property owner applied for the conditional use permit prior to obtaining a tenant; the prospective restaurant operator is a tenant leasing the space.
- There are plans to put in grease traps.
- The sign for the parking should be removed.
- Security cameras will be installed.
- All the restaurants in the area are corporate and expensive.
- The prospective tenant plans to operate a more affordable restaurant that caters to the local residents.

Other residents of the Flower Street Lofts building submitted a letter to the file noting many of the same concerns addressed by those who spoke at the hearing. In particular, they noted security issues in the parking garage, referring to a running security log in which incidents are tracked (also submitted to the file). They noted concern that appropriate operating conditions be placed on the proposed restaurant use and that the restaurant enforcement ensures that the restaurant is operated in compliance with those conditions.

**BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the four standard findings for most other conditional use categories.

**FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **The proposed location will be desirable to the public convenience or welfare and the location is proper in relation to adjacent uses or the development of the community.**

The project entails a request for the sale of a full line of alcoholic beverages in a proposed restaurant located at the southwest corner of 11th Street and Hope Street on the ground floor of a parking structure. The restaurant's location is along a corridor which includes other restaurant uses as well as mixed-use residential/commercial developments and various parking uses. The applicant proposes a restaurant which takes its pedestrian access from 11th Street but is largely oriented to Hope Street, with outdoor dining primarily fronting Hope Street. The Department of Building and Safety has issued various permits for the conversion of the space from retail to restaurant use, which records show has been finalized as of May, 2011. No parking variance for any reduction in parking has been requested or approved herein.

The restaurant is located in proximity to Staples Center and LA Live and is part of an emerging restaurant hub in the area. Many Downtown revitalization efforts have focused on the adjoining areas of the Los Angeles Sports and Entertainment District Specific Plan [(LASED) the location of the Staples Center and LA Live] and South Park, a residential community of Downtown. Adaptive reuse of existing commercial buildings and new residential construction have generated a substantial number of dwelling units in the area and established a significant residential base. The proposed restaurant use will provide another amenity and convenience to the growing residential population as well as continue to activate 11th Street, which houses many of the uses serving the area's residential population. 11th Street is also becoming an important spine connecting the South Park area to the regional sports and entertainment uses offered in the LASED Specific Plan area and providing a growing number of options for Downtown visitors and convention goers given, the proximity of the Los Angeles Convention Center to the subject location. The development pattern of the area is an increasingly walkable, mixed-use area, and the subject use will complement this pattern of development. The subject site

is also well-served by transit. The Pico Boulevard/Flower Street Blue Line Light Rail station is just over 1,500 feet from the subject site.

Conditions of approval include requirements that the restaurant maintain its own submeter for water and electricity and that the restaurant shall provide a grease interceptor/separator, if required pursuant to any applicable regulations of the Industrial Waste Management provisions for food service establishments. These conditions are intended to address some of the concerns raised by surrounding neighbors during the public hearing process and improve the compatibility of the proposed use with surrounding uses. These conditions are also consistent with an approval for a neighboring restaurant also located in the ground of floor of the subject building, about which similar issues were raised during its public hearing process.

As noted, the area serves a mixture of uses including commercial uses, which include a number of restaurants, as well as an emerging residential base. The proposal is in keeping with the nature of the development in the area. As such, the use will continue to serve a public convenience and welfare and as sited and conditioned, the location will remain compatible with the character of the surrounding uses. In addition, the proposed use in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues will safeguard public welfare and enhance public convenience.

**2. The use will not be materially detrimental to the character of the development in the immediate neighborhood.**

As noted, the grant authorized herein incorporates a number of conditions which have been imposed upon the use and include conditions that require the applicant to properly manage the establishment to discourage illegal and criminal activity on the site and to maintain the site free of litter and graffiti. Security measures require the applicant to install and maintain security cameras to monitor common areas, entrances and exits and other high risk areas. Other conditions are intended to address the sanitation, health and safety concerns raised in public testimony. In particular, one condition requires adherence to traffic regulations that limit the alley to one way traffic; another places prohibitions on the placement of a portable sign that advertises the availability of parking in the upper garage levels, near the driveway entrance and in a manner that impedes sidewalk visibility by motorists exiting the garage. These conditions will continue to make the use more compatible with other uses in the surrounding community. Included in this authorization are also a number of conditions volunteered by the applicant, some of which are directly related to the sale of alcohol, which otherwise the City cannot impose.

The applicant requested consideration of limited live entertainment which would be restricted to a maximum three-piece ensemble on special occasions. The original application did not note that the applicant sought to offer live entertainment, and consequently live entertainment was not included as part of the project description in the Notice of Public Hearing. As a result, a condition has been placed on the project to prohibit live entertainment, since neighbors were not appropriately notified of the potential live entertainment uses. The applicant may add that use via a future

plan approval application or when obtaining a new authorization to continue the sale of alcohol prior to or upon expiration of the current term grant. The establishment, as otherwise proposed, reflects a bona fide neighborhood-serving restaurant that will cater to neighbors and visitors alike.

The subject grant is authorized for a term of five years after which time the applicant will need to file an application authorize the continued sale of alcohol. The term grant allows the City an opportunity to review the operation of the restaurant anew. If the operation has been conducted appropriately and without creating problems for the neighborhood, then a subsequent decision on a new authorization may take that into favorable consideration. A record of poor compliance and/or nuisance complaints would allow the City the discretion to not approve the use and thus avoid the need to proceed with prolonged nuisance abatement proceedings. Thus, as conditioned, the use is not anticipated to be materially detrimental to the development of the immediate neighborhood.

**3. The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The Central City Plan Map designates the property for High Density Residential land uses with a corresponding zone of R5 and Height District No. 4D-O.

The proposed use is consistent with many Central City Community Plan goals that aim to encourage the development of mixed-use neighborhoods in Downtown that offer a variety of housing types and include the range of services needed to support a 24-hour Downtown that caters to a growing residential base and fosters tourism.

Allowing the proposed use at the subject location advances a number of Central City Community Plan goals, including:

Policy 1-3.1 – Encourage a cluster neighborhood design comprised of housing and services.

Policy 2-2.3 – Support the growth of neighborhoods with small, local retail services.

*Program: In the residential neighborhoods of South Park and Bunker Hill, the current zone permits certain restricted commercial uses in the residential zone.*

Objective 2-3 – To promote land uses in Central City that will address the needs of all the visitors to Downtown for business, conventions, trade shows, and tourism.

Policy 2-3.1 – Support the development of a hotel and entertainment district surrounding the Convention Center/Staples Arena with linkages to other areas of Central City and the Figueroa corridor.

Objective 2-4 – To encourage a mix of uses which create an active, 24-hour downtown Environment for current residents and which would also foster increased tourism.

Policy 2-4.1 – Promote night life activity by encouraging restaurants, pubs, night clubs, small theaters, and other specialty uses to reinforce existing pockets of activity.

Furthermore, the conditional use authorization for the sale of alcoholic beverages on-site is allowed through the approval of the Zoning Administrator subject to certain findings. The required findings in support have been made herein.

4. **The proposed use will not adversely affect the economic welfare of the community or result in an undue concentration of premises for the sale of alcoholic beverages after given consideration to the State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration and giving consideration to crime rates in the area.**

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 2 on-site and 2 off-site licenses are allocated to Census Tract No. 2079. There are currently 19 on-site and 5 off-site licenses in this Census Tract.

The subject location is within an area which is within a commercial core of development where restaurants which include alcohol sales have been an integral component of past and recently encouraged development. Given the area, the higher number of licenses is anticipated.

Statistics from the Los Angeles Police Department's Central Division Vice Unit reveal that in Crime Reporting District No. 182, which has jurisdiction over the subject property, a total of 370 crimes were reported in 2010, compared to the citywide average of 169 crimes and the high crime reporting district average of 203 crimes for the same period.

The crime rate numbers are higher than those rates identified for the City. However, the Police voiced no concerns about the project and a number of conditions have been imposed which are intended to improve the compatibility of the subject use with its surroundings and which will help to safeguard the community and provide for a responsible operation. Additionally, the term grant will further insure that oversight is maintained.

5. **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.**

There are residential uses as well as other alcohol selling venues in the area. Since the site is located in a prime commercial and residential area, the diversity amongst



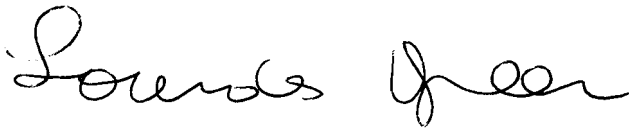
the uses is not uncommon. This grant has placed numerous conditions on the proposed project and not authorized uses of the property which might create potential nuisances for the surrounding area. Such imposition of conditions, including a five-year term grant on the approval regarding the sale of alcohol, will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case.

#### ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding
7. On June 16, 2010, the subject project was issued a Notice of Exemption (Article III, Section 1, City CEQA Guidelines), log reference ENV 2009-1670-CE, for a Categorical Exemption, Class 5, Category 34, City CEQA Guidelines, Article III, Section 1, State EIR Guidelines, Section 15300. I hereby adopt that action.

I concur with the report prepared by Patricia A. Diefenderfer, Planning Staff for the Office of Zoning Administration, on this application and approve same.

PATRICIA A. DIEFENDERFER  
Hearing Officer  
Direct Telephone No. (213) 978-1370



LOURDES GREEN  
Associate Zoning Administrator

LG:PAD:aln

cc: Councilmember Jan Perry  
Ninth District  
Adjoining Property Owners