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August 21, 2014

Dong Soo Cho (A)
3208 West 8th Street
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Diamond Bar, CA 91765

CASE NO. ZA 2008-2401(CUB)(CU)(PA1)
APPROVAL OF PLANS
3208 West 8th Street
Wilshire Planning Area
Zone : C2-1
D. M. : 132B197
C. D. : 10
CEQA : ENV 2014-1229-CE
Legal Description: Lots 46-49, Tract 2140

Pursuant to Los Angeles Municipal Code Section 12.24-M and ZA Memo. No. 122, I hereby APPROVE:

plans to permit the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing karaoke restaurant 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 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 Development Services Center 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 proceedings against the City or its agents, officers, or employees relating to or 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. **[MODIFIED]** Hours of operation shall not exceed between 11 a.m. and 2 a.m., daily. The operating hours shall be posted on the menu and at the entrance door of the subject premise such that the posted hours are visible from outside the premise.
8. Parking shall be provided in accordance with the requirements of Section 12.21-A,4 of the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from said requirements has been requested or granted herein. In no event shall there be less than 35 on-site parking spaces provided on the site.
9. The subject premises shall be maintained as a bona fide eating place with an operational kitchen, as defined in Section 91.0403 of the Municipal Code, and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during operating hours.
10. Except for the karaoke rooms, there shall be no live entertainment of any type, including but not limited to live music, disc jockey, male or female performers or fashion shows, employee or hired dancers and/or any type of escort services.
11. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions or guests of and for the customer.
12. There shall be no Adult Entertainment of any type pursuant to Los Angeles Municipal Code (LAMC) Section 12.70.
13. No patron dancing shall be permitted within the premises.
14. There shall be no cover charges or pre-payment fee for food and/or beverage service required for admission to the location. Payment for food and beverage

services shall be made only after such service has been provided to the patrons inside the location.

15. The premises shall not be used for private parties at which the general public is excluded.
16. Coin operated game/video machines, pool tables or similar game activities or equipment are not permitted.
17. Private/semi-private rooms constructed on the premises shall have the following characteristics:
 - a. No physical obstruction shall be placed or attached to any section of the doors or walls which covers any portion of the glass within the doors or walls including, but not limited to, planters, partitions or items of decor.
 - b. All doors to said rooms shall be constructed with a clear glass window in the upper portion of said door which measures no less than 12 by 36 inches. At least one wall facing the hallway of each said rooms shall be constructed with a clear glass window which measures no less than half the length of said room by 36 inches.
 - c. Doors to said rooms must allow the activities in the interior of the rooms to be easily discernible at all times and shall not be lockable from either side of the door.
 - d. The lighting in said rooms shall be sufficient to make discernible the activities within the interior of the rooms at all times.
 - e. There shall be no dimmer type lighting controls in the interior of said rooms.
 - f. Said rooms shall not contain refrigeration units of any type.
 - g. All food and beverages served to patrons utilizing said rooms shall be by way of waitress service only.
18. Any music, sound or noise emanating from within the subject premises shall not be audible beyond the subject site, and not cause any loud, unnecessary and unusual noise which disturbs the peace or quiet of the surrounding neighborhood or cause discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area in violation of Section 116.01 of the Municipal Code, to the satisfaction of the Police Department. In addition, all exterior doors of the premises, shall be kept closed at all times except for the normal passage of patrons or deliveries, or during emergency situations.
19. The business operator shall provide a minimum of one uniformed state licensed and bonded security guard on the premises from 7 p.m. until one-half hour after closing, daily. The guard(s) shall not be an employee of the landlord nor include the landlord or any business owner or employee working on the property. The guard(s) shall

conduct no activities while employed at this location other than those of a security guard that includes checking identification and escorting undesirable patrons off the premises. The guard(s) shall patrol both the interior of the premises and the adjacent parking lot to prevent noise, loitering and any criminal activity from occurring on the property. The guard(s) shall request the assistance of the Los Angeles Police Department if, based upon their training, the situation so warrants. The guard(s) shall cooperate with all law enforcement personnel during any investigations or inspections on the property.

- a. Prior to issuance of a building permit for the added karaoke studio rooms, the applicant shall provide the Zoning Administrator a copy of an executed security company service agreement, which shall have a minimum term of one year and specified terms in compliance with the hours and duties described above, for attachment to the subject case file. Upon expiration or termination of any existing security company service agreement, a copy of a new or renewed signed service agreement shall be provided to the Zoning Administrator within 30 days of its execution.
 - b. Failure to maintain an active security company service agreement for the subject use shall be deemed as non-compliance with this Condition and grounds for potential revocation of this grant.
20. At least one on-duty manager with authority over the activities conducted 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 interior and exterior of the premise to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage loitering as well as illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control.
21. ~~[MODIFIED] Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages shall be installed on the premises at each point of sale location. This 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 beverage.~~

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

22. ~~[MODIFIED] Within six months of the effective date of this determination, all personnel acting in the capacity of a manager of the premises and all employees involved in the sale of alcoholic beverages shall attend a Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department. The applicant shall contact the Central Area Vice Unit of the Los Angeles Police Department and make arrangements for such training. This training shall be completed by all employees once every 24 months. Verification of~~

~~compliance shall be recorded and maintained by the grantee and forwarded to the Zoning Administrator for inclusion in the file.~~

Within 45 days from the effective date of the subject grant, all personnel acting in the capacity of a manager of the premise and all part time and full time employees who serve alcoholic beverages shall complete the STAR (Standardized Training for Alcohol Retailers) session sponsored by the Los Angeles Police Department.

All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within two months of their employment.

Within 60 days after the effective date of the subject grant, a list of employees who serve alcoholic beverages, their hire date and written confirmation of their STAR training shall be submitted to the Zoning Administrator and shall be retained on the premises at all times and be immediately made available upon request of any Los Angeles Police officer or Department of Alcoholic Beverage Control investigator.

23. Open areas devoted to trash collection or other storage shall not be located adjacent to any residential use unless they are fully enclosed and buffered so as not to result in noise, odor or debris impacts.
24. Parking lot cleaning and sweeping, and trash collections from and deliveries to the subject multiple-tenant commercial building shall occur no earlier than 7 a.m., nor later than 8 p.m., Monday through Friday, and no earlier than 10 a.m., nor later than 4 p.m., on Saturdays and Sundays.
25. The building owner shall be responsible for keeping the condition of the property, including but not limited to parking areas, exterior walls, required lighting, and landscaped areas, maintained at all times in a safe and sanitary condition and in a state of good repair. Exterior wall surfaces shall at all times be kept free from graffiti and any marks of vandalism.
26. The property shall at all times be kept clear of weeds, rubbish, and all types of litter and combustible materials. Trash receptacles shall be located throughout the open areas of the lot or lots.
27. Maintenance of landscaped areas shall include continuous operations of watering, removal of weeds, mowing, trimming, edging, cultivation, reseeding, plant replacement, fertilization, spraying, control of pests, insects, and rodents, or other operations necessary to assure normal plant growth.
28. The parking lot and entrance shall continue to be secured by a fence and gate and 24-hour surveillance cameras.

[DELETED] Alcohol Related Conditions Volunteered by the Applicant and/or Continued from the Prior Conditional Use Permit, Case No. ZA 2000 4294(CUB)(PA4) — Nos. 29 through 35

29. ~~[DELETED] There shall be no bar or lounge area upon the licensed premises maintained for the purpose of sales, service, or consumption of alcoholic beverages directly to patrons for consumption.~~
30. ~~[DELETED] There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within the premises, promoting or indicating the availability of alcoholic beverages. The only on-site advertisement indicating the availability of alcoholic beverages shall be the posting on a menu.~~
31. ~~[DELETED] Food service shall be available at every karaoke studio room.~~
32. ~~[DELETED] The sale of alcoholic beverages for consumption off the premises is prohibited.~~
33. ~~[DELETED] No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under control of the applicant.~~
34. ~~[DELETED] No "Happy Hour" type of reduced price alcoholic beverage promotion shall be allowed.~~
35. ~~[DELETED] Sales and delivery of alcoholic beverages to customers shall be made from behind a counter where a clerk will obtain the product; no self-service of alcoholic beverages shall be permitted.~~
36. The applicant shall provide the Zoning Administrator a copy of each license, suspension thereof, or citation issued by the State Department of Alcoholic Beverage Control upon such issuance.
37. 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 the Police Department, ABC investigators or any other City agency upon request.
38. The business operator shall maintain on the premises and present upon request to any law enforcement officer, a copy of the business permit, insurance information and a valid emergency contact phone number for any valet and security company services used by the business operation.
39. All conditions enumerated in the Environmental Clearance Case, Mitigated Negative Declaration No. ENV 2008-2402-MND (listed below) shall be considered conditions of this grant.
 - a. Aesthetics (Graffiti)
 - 1) Every building, structure or portion thereof shall be maintained in a safe and sanitary conditions and good repair, and free from graffiti,

debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.

- 2) The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15.

b. Aesthetics (Signage)

- 1) On-site signs shall be limited to the maximum allowable under the Code.
- 2) Multiple temporary signs in the store windows and along the building walls are not permitted.

c. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

d. Explosion/Release (Asbestos Containing Materials)

Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACM are present in the building. If ACM are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.

e. Public Services (Fire)

The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features:

- 1) Fire lanes, where required, shall be a minimum of 20 feet in width;
- 2) All structures must be within 300 feet of an approved fire hydrant; and
- 3) Entrances to any dwelling unit or guest room shall not be more than 150 feet distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

f. Public Services (Police)

The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access

control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213)485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.

g. Utilities (Local or Regional Water Supplies)

Should the project result in an expansion or remodel of the restrooms:

- 1) Install and retro-fit with high-efficiency toilets (maximum 1.28 gpf), including dual-flush water closets, and high-efficiency urinals (maximum 0.5 gpf), including no-flush or waterless urinals, in all restrooms as appropriate. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations.
- 2) Install and retro-fit restroom faucets of a self-closing design with a maximum flow rate of 1.5 gallons per minute.

h. Utilities (Solid Waste)

Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

40. **[MODIFIED]** ~~The authorization granted herein is for a period of five (5) years from the effective date of this grant. Thereafter, this authorization shall become null and void and the applicant shall need to file for and obtain approval of a new conditional use pursuant to Sections 12.24 W, 1 and 27 of the Municipal Code to permit the continued sale and dispensing of alcoholic beverages for on-site consumption as well as operation of the restaurant/karaoke use past 11 p.m. or prior to 7 a.m.~~

The privileges granted for the sale of alcoholic beverages for on-site consumption and for the operating hours beyond hours between 7 a.m. and 11 p.m. shall be for a period of **six years** from the effective date of the subject grant, after which a new grant should be "approved" to continue the sale of alcohol and the approved hours of operation. The new entitlement application shall include condition compliance review with supporting documents showing that the required conditions have been complied with.

41. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in

an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrative will have the right to require the Petitioner(s) to file for a plan approval application together with associated fees, to hold a public hearing to review the Petitioner(s) compliance with and the effectiveness of the conditions of the grant.

42. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales from a Planning Department public counter subsequent to the Zoning Administrator's signature on the Planning Department sign-off form and mount it on either the inside of the window of the subject site facing the front street or on the outside of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein are utilized.
43. **[MODIFIED]** Within 30 14 days of the effective date of this action, the property owner shall record a covenant acknowledging and agreeing to comply with all the terms and conditions established herein 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 Development Services Center 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 case file.
44. **[ADDED]** Should there be a change in the ownership of the property/the restaurant and/or the business operator, the property owner and the business owner/operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Prior to the closing of escrow for a potential change in the ownership of the property/business owner or operator, evidence showing that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator, shall be submitted to the Zoning Administrator.

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.

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 SEPTEMBER 5, 2014, 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 statements made at the public hearing on July 31, 2014, 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 plan approval under the provisions of Section 12.24-M have been established by the following facts:

BACKGROUND

The subject property is a level, inverted, L-shaped, corner parcel, consisting of approximately 0.43 acre, having a frontage of approximately 270 feet on the south side of 8th Street, extending the entire block face between Mariposa Street and Fedora Street, and having a depth varying from 40 to 100 feet. The site is developed with a five-story commercial building serving as a hotel (East-West Hotel), a liquor store on the easternmost ground level (77 Liquors) and the subject karaoke restaurant on the westernmost ground level. The property has a striped 35-space surface parking area that adjoins Mariposa Street and 8th Street. Vehicular ingress/egress is solely via a two-way driveway along 8th Street in the near vicinity of the property's northwest corner. The property is zoned C2-1.

Staff met with the representative, owner, and manager on Tuesday, July 8, at 10:45 a.m. Although the business ("Simple") is located within the East-West Hotel building, it is not affiliated with it, nor is there direct access. Parking is adjacent to the site and contains at least 35 spaces. The parking lot is gated and fenced, with an egress/ingress onto 8th Street. There is a functioning pay-phone adjacent to the site, along 8th Street. Across from the pay-phone is a Metro bus stop (Line 66 to Montebello Metrolink Station). A 15-minute green curb parking zone is located along 8th immediately in front of the hotel. The nine karaoke rooms are divided between two levels, the ground floor and the mezzanine. At least one of the rooms is being used for storage. Two restrooms were noted.

The surrounding properties are classified within the C2-1, C4-2, R5-2, R4-2 and R3-1 Zones and are characterized by mildly sloping topography and fully improved streets. The surrounding properties are developed with four- and five-story hotels in addition to one-story commercial buildings along 8th Street, and two- and three-story apartments and hotels along the interior streets.

The adjoining properties to the north of 8th Street are zoned R5, C2 and C4 and are developed with two- to eight-story commercial buildings along Mariposa Street, a parking

lot, and the newly constructed Central Los Angeles New Learning Center No. 1 (High School), formerly the site of the Ambassador Hotel.

The adjoining properties to the south of the site are zoned R4 and are developed with two- to three-story apartments, a parking lot and parking structure. The adjoining properties to the east of Fedora Street are zoned C2 and R4 and are developed with five-story commercial buildings and a parking lot occupied by a neighborhood bar and cafe (the Aladdin Cocktail Lounge), a hotel, graphics, tattoo, and hair salon shops. The adjoining properties to the west of Mariposa Street are zoned R4 and C2 and are developed with two-story commercial buildings and a parking lot occupied by a medical clinic and various neighborhood-serving businesses.

8th Street, adjoining the property to the north, is a designated Secondary Highway dedicated to a right-of-way width of 80 feet and improved with curbs, gutter and sidewalks.

Mariposa Street, adjoining the property to the west, is a Local Street dedicated to a right-of-way width of 60 feet and improved with curbs, gutters and sidewalks.

Fedora Street, adjoining the property to the east, is a Local Street dedicated to a right-of-way width of 60 feet and improved with curbs, gutters and sidewalks.

Previous zoning related actions on the site and surrounding area include:

Subject Property:

Case No. ZA 2008-2401(CUB)(CU) – On May 7, 2009, 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 the addition of two karaoke studio rooms to the existing seven karaoke studio rooms with an approximately 3,300 square-foot existing restaurant/karaoke use, and a deviation from the Code to permit continued hours of operation for the restaurant/karaoke use from 11 a.m. to 2 a.m., daily, in lieu of no later than 11 p.m. or earlier than 7 a.m. for a Commercial Corner use.

Case No. ZA 2000-4294(CUB) – On March 9, 2001, 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 existing 3,207 square-foot restaurant with karaoke entertainment having hours of operation from 11 a.m. to 2 a.m., seven days a week.

Case No. ZA 2000-4294(CUB)(PA4) – On April 7, 2008, the Zoning Administrator, pursuant to Municipal Code Section 12.24-M and Condition No. 21 of Case No. ZA 2000-4294(CUB)(PA3), determined that partial but not full compliance with the conditions of the prior action had been attained in association with the approval of a conditional use to allow a full line of alcoholic beverages for on-site consumption in conjunction with a restaurant with karaoke rooms. This action constituted the fourth review of the establishment. A subsequent six-month review was required with notice as a hearing for possible revocation of the conditional use for alcohol sales.

Case No. ZA 2000-4294(CUB)(PA3) – On December 29, 2005, the Zoning Administrator found that the existing restaurant/karaoke establishment had operated in partial compliance with the previously imposed conditions and modified the original conditions.

Case No. ZA 2000-4294(CUB)(PA2) – On January 5, 2004, the Zoning Administrator found that the operation of the subject restaurant/karaoke had substantially complied with the conditions imposed by the above action, but that some problems remained which needed to be improved to eliminate the possibility of a future public nuisance.

Case No. ZA 2000-4294(CUB)(PA1) – On July 29, 2002, the Zoning Administrator approved and denied modifications of certain previous conditions relative to hours of operation and security measures imposed on the subject business. See specific modifications below:

- Modification of Condition Nos. 7 and 20 to allow the sales, service or consumption of food and alcoholic beverages at the existing bar and counters: Denied.
- Modification of Condition No. 6 to allow extended hours of operation from 12 noon to 2 a.m., seven days a week: Approved; and
- Modification of Condition No. 10 to allow the reduced hours of patrol services by the security guard from 6 p.m. to until one hour after closing: Approved; and
- Deletion of Condition No. 24 to allow the sale of alcoholic beverages by the bottle.

Case No. ZA 2000-9992(CUB) – On August 23, 2000, the Zoning Administrator denied a conditional use permit to allow hours of operation from 11 a.m. to 2 a.m. Sunday through Thursday in lieu of the required midnight closing set forth by Condition No. 6 of Case No. ZA 99-0695(CUB); to permit a bar in lieu of its prohibition as set forth by Condition No. 7 of Case No. ZA 99-0695(CUB); to reduce the number of security guards to one from the existing requirement of two, as set forth by Condition No. 10 of Case No. ZA 99-0695(CUB); and to permit six karaoke machines in lieu of the prohibition of any such machines, as set forth in Condition No. 15 of Case No. ZA 99-0695(CUB), all in conjunction with the sale of a full line of alcoholic beverages for on-site consumption in a restaurant.

Case No. ZA 99-0695(CUB) – On January 28, 2000, the Zoning Administrator approved a conditional use to permit the sale and dispensing of a full line of alcohol for on-site consumption in a full service restaurant. The hours of operation were from 6 a.m. to 2 a.m., seven days a week.

Case No. ZA 89-1220(CUB) – On February 23, 1990, the Zoning Administrator approved a conditional use to permit the sale of beer and wine for on-site consumption in a full service 49-seat restaurant.

Various citations on subject property – Code enforcement activity was issued at the site on April 22, 2005 (Record ID: 51150932), on March 27, 2003 (Record ID:

50008633), and on July 19, 1994 (Record ID: 4903443). Each enforcement matter has been closed.

Surrounding Properties:

Case No. ZA 97-0590(CUB) – Approved by the Zoning Administrator on October 8, 1997, to permit the sale and dispensing for consideration of a full line of alcoholic beverages in two restaurants as accessory uses to a hotel at 3160 West 8th Street.

Case No. ZA 94-0500(CUB) – Approved by the Zoning Administrator on November 14, 1994, to permit the sale or dispensing for consideration of alcoholic beverages for consumption on the premises, and a dance hall entertainment use, in conjunction with a proposed 9,000 square-foot restaurant/nightclub, accommodating approximately 560 persons, located in an existing mini-shopping center on a site in the C2-1 and PB-2 Zones at 3300 West 8th Street (at Normandie Avenue).

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.

- There shall be no bar or lounge area upon the licensed premises maintained for the purpose of sales, service, or consumption of alcoholic beverages directly to patrons for consumption.
- There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within the premises, promoting or indicating the availability of alcoholic beverages. The only on-site advertisement indicating the availability of alcoholic beverages shall be the posting on a menu.
- Food service shall be available at every karaoke studio room.
- The sale of alcoholic beverages for consumption off the premises is prohibited.

- No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under control of the applicant.
- No "Happy Hour" type of reduced price alcoholic beverage promotion shall be allowed.
- Sales and delivery of alcoholic beverages to customers shall be made from behind a counter where a clerk will obtain the product; no self-service of alcoholic beverages shall be permitted.

AUTHORITY FOR PLAN APPROVAL

Section 12.24-M of the Los Angeles Municipal Code provides in pertinent part:

"M. Development of Uses. (Amended by Ord. No. 173,992, Eff. 7/6/01)

1. Development of Site. On any lot or portion of a lot on which a deemed-approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time ..."

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 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 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:

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 subject application entails a plan approval to allow the continued sale and dispensing of alcoholic beverages for on-site consumption in conjunction with an existing karaoke restaurant known as Simple Karaoke. The subject premise

contains nine karaoke rooms and has hours of operation from 11 a.m. to 2 a.m. daily.

The sale of a full line of alcoholic beverages at the subject establishment has been permitted pursuant to the prior grant approved under Case Nos. ZA 2008-2401(CUB)(CU) in 2009. The 2009 grant expired in May, 2014. According to the applicant and the existing ABC license, the subject premise has been under the current business ownership/operator since March, 2003.

At the hearing, which was held for the subject matter and was attended by the applicant, the applicant's representative and representatives of Council District 10, the council office representatives stated that no complaints have been received from the community about the operation of the subject premise. No other comments were received from the community or the Police Department.

The existing location is in a prime area that represents a neighborhood commercial center. Other restaurants and retail establishments as well as office buildings and residential uses are located in the vicinity. No physical changes to the exterior of the existing buildings will occur. As proposed, the request does not represent the introduction of use not common to the area. The use will continue to serve a public convenience and welfare and as sited, the location is compatible with the character of the surrounding uses. In addition, the subject grant in conjunction with the imposition of a number of conditions addressing operational issues will safeguard public welfare and enhance public convenience. As such, the project will continue to enhance the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region in that the subject structures are already developed and the project is in harmony with a variety of stated plans and goals for the Koreatown area.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject property has on-site parking and is buffered from nearby sensitive uses. The grant authorized herein incorporates a number of conditions that reflect those conditions that were imposed upon the use under the prior grant. Some of these are based on conditions specifically related to alcohol sales that have been volunteered by the applicant. These conditions seek to establish and promote a use that will remain compatible with other uses in the surrounding community. Employees are required to undergo training regarding sale of alcohol conducted by the Los Angeles Police Department. Additional conditions include but are not limited to the provision of a camera surveillance system, clean-up, a security guard and an age electronic verification system.

The subject grant for alcohol sales is authorized for a term of six years after which the applicant will have to request authorization to continue the sale of alcohol. This allows the City an opportunity to review the operation of the restaurant anew. If the operation has been conducted appropriately and without creating problems,

then a subsequent decision to allow the continuation of such sales may take that into favorable consideration. A record of poor compliance and/or nuisance complaints would allow the City the discretion to not continue the requested use and thus avoid the need to proceed with prolonged nuisance abatement proceedings. Thus, as conditioned the use is anticipated to be compatible with the surrounding area.

As conditioned, approval of the applicant's request will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The Wilshire Community Plan, a part of the Land Use Element of the General Plan, designates the subject property for Neighborhood Office Commercial land uses with corresponding zones of C1, C1.5, C2, C4, CR, RAS3 and RAS4. The property is not currently within the area of any specific plans or interim control ordinances. The subject property is located within the Los Angeles State Enterprise Zone (Zoning Information No. 2374), the area covered by the Residential Hotel Unit Conversion Demolition Ordinance and Wilshire Center/Koreatown Redevelopment Project area.

The Community Plan text does not specifically address the requested conditional use for the continued sale of alcohol beverages. However, the Los Angeles Municipal Code authorizes the Zoning Administrator to grant the requested conditional use in the zones corresponding to the Plan land use designation. The General Plan promotes the provision of services throughout the city in locations that are convenient to the public yet do not impact nearby properties. Given the extent of the conditions and limitations imposed herein, nearby properties should continue to be protected from potential impacts of the restaurant/karaoke use, and the use is consistent with the desire to provide convenient dining and entertainment in proximity to the Wilshire Center and Koreatown neighborhood. Therefore, the subject request is in harmony with the various elements and objectives of the General Plan.

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

Permitting the continued sale of alcoholic beverages at any location raises the possibility that other properties will be negatively impacted by intoxicated patrons driving under the influence or causing other inappropriate behavior on foot. The approval, as conditioned, is intended to avert any substantial impact on the welfare of residents in the area by including a provision that requires limited operating hours and the monitoring of loitering/nuisance activities on and around the site. The subject karaoke restaurant is located within an established commercial district in an area designated and zoned for such uses.

The restaurant will have no separate bar or cocktail lounge, live entertainment other than karaoke approved herein, dancing, or video games. There will be no exterior

advertising of the availability of alcoholic beverages. The restaurant has on-site parking. As conditioned, the proposed use with the sale of alcoholic beverages is compatible with the surrounding development and will not adversely affect the welfare of the surrounding 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 licensing criteria, 2 on-site and 1 off-site licenses are allocated to the subject Census Tract No. 2123.05. There are currently 4 on-site and 1 off-site licenses in this census tract.

Within a 1,000-foot radius of the subject site, there are the following licensed alcoholic beverage establishments.

Suzy Café	Type 47 License
3160 West 8th Street	

Ondal Zip	Type 41 License
3160 West 8th Street	

Within Census Tract No. 2123.05, the following types of alcoholic beverage licenses are active or pending:

- (1) Type 21 Off-Sale General
- (1) Type 41 On-Sale Beer and Wine - Eating Place
- (2) Type 47 On-Sale General - Eating Place
- (1) Type 48 On-Sale General - Public Premises

Since the subject application is to allow the continued sale of alcoholic beverages at an existing premise, which currently has an existing Alcoholic Beverages license, the grant will not result in an increase in the number of alcoholic beverage licenses in the census tract.

Statistics from the Los Angeles Police Department's Central Area Division, which has jurisdiction over the subject property, reveal that within the subject Crime Reporting District No. 2045, a total of 92 crimes were reported in 2013, compared to the citywide average of 180 crimes and the high crime reporting district average of

216 crimes for the same period. These numbers do not reflect the total number of arrests in the subject reporting district of each accountable year. Arrests for each calendar year may reflect crimes reported in previous years.

There were a total of 51 arrests reported in Crime Reporting District No. 2045 in 2013. LAPD arrests included Assaults (3), Forgery/Counterfeiting (0), Embezzlement/Fraud (2), Stolen Property (0), Weapons Violations (1), Prostitution-Related (0), Sex Offenses (0), Narcotics/Drug-Related (14), Violation of Liquor Laws (3), Public Drunkenness (5), Gambling (0), DWI-Related (5), and all other Violations (14).

The crime rate numbers are lower than those rates identified for the City. Nonetheless, the public safety measures to mitigate nuisance and criminal activities that were required in the prior grant have been retained to assure better oversight including the installation of a surveillance camera and a security guard after 7 p.m. daily. No comments were received from the Police Department indicating that there have been operating problems at this location to require police service.

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 following sensitive uses are within 1,000 feet of the subject site:

Mission Church	3223 West 8th Street
Presbyterian Church	3300 Wilshire Boulevard
Robert F. Kennedy Community Schools and LA High School of Arts	701 Catalina Street
UCLA Community School	700 Mariposa Avenue
Ambassador School	3201 West 8th Street

No correspondence has been received from any of these institutions noted above. The project site is surrounded by commercial and residential uses. As noted, since the site is located in a prime commercial corridor, the diversity amongst the uses is not uncommon. This grant has placed numerous conditions on the proposed project. Such imposition of conditions, as well as the imposition of a six-year term grant, will make the use a more compatible and accountable neighbor to the surrounding uses than would otherwise be the case. The Zoning Administrator believes the restrictions established herein will protect any unspoken legitimate interests of those groups.

COMMERCIAL CORNER DEVELOPMENT FINDINGS FOR OPERATING HOURS:

7. **Based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from the project will not constitute a traffic**

hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.

The site is improved with a commercial building and no physical or structural changes will occur to the existing building or parking lot. The existing driveway access from 8th Street will remain unchanged.

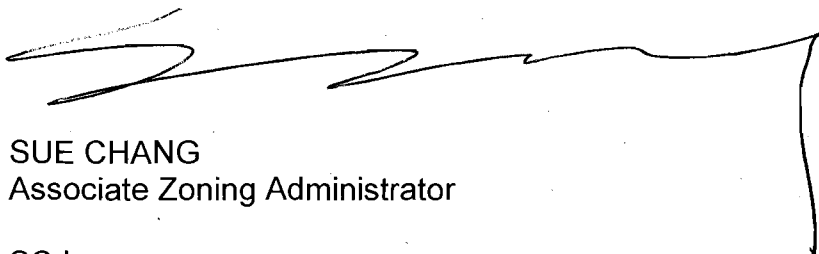
8. **Project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.**

The subject building was constructed in the 1920s and predates the Commercial Corner Development provisions of the Los Angeles Municipal Code. The project will not add any floor area to the property. As such, the grant will not add to a detrimental concentration of commercial corner developments in the project area.

ADDITIONAL MANDATORY FINDINGS

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
10. On May 28, 2014, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV2014-1229-CE, for a Categorical Exemption, Class 5, Category 23. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding this matter shall be directed to Antonio Isaia, Planning Staff for the Office of Zoning Administration at (213) 978-1353.



SUE CHANG
Associate Zoning Administrator

SC:lmc

cc: Councilmember Herb Wesson
Tenth District
Adjoining Property Owners