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May 12, 2017

Brad Conroy (A)(O)
Firestone La Brea
5877 West 3rd Street
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Margaret Taylor (R)
Apex LA
5419 Hollywood Boulevard
Los Angeles, CA 90027

CASE NO. ZA 2017-030(CUB)
CONDITIONAL USE
800 South La Brea Avenue
Wilshire Planning Area
Zone : C2-1
D. M. : 132B181
C. D. : 4
CEQA : ENV-2017-031-CE
Legal Description: Lot FR 263, Tract
4642

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

a Conditional Use to permit the sales and dispensation of a full line of alcoholic beverages in conjunction with the operation of a multi-concept restaurant and ancillary on-site beer manufacturing.

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. Approved the sale and dispensing of a full line of alcoholic beverages for on-site consumption conjunction with the operation of a multi-concept restaurant) and ancillary on-site beer manufacturing with seating not to exceed 199 seats.
7. The hours of operation shall be limited to 9:00 a.m. to 12:00 a.m. Sunday through Thursday and 9:00 a.m. to 2:00 a.m. Friday through Saturday. Afterhours use of the facility, other than for routine clean-up and maintenance, is not permitted. The operating hours shall be posted at the entrance of the building and on the menus of the restaurant(s).

Condition Nos. 8 through 14 are volunteered by the Applicant

8. Food service shall be available during all hours of operation.
9. A security plan shall be prepared to the satisfaction of the Los Angeles Police Department ("LAPD"), who shall approve said plan in writing. The LAPD has the ability to modify such plans as security needs arise. The plan shall consider the number and types of security officers and their patrol routes and hours of attendance. The security plan submitted at time of effectuation of the subject grant shall include one (1) security guard from 4:00 p.m. to one-half (1/2) hour after closing. The applicant shall submit a security camera diagram approved by LAPD. The security plan shall be in place and operational prior to the applicant's utilization of any zoning entitlements granted herein.
10. Any music, sound or noise emitted that is under the control of the petitioner(s) shall not exceed decibel levels that are stated in Noise Abatement Laws and LAMC Section 12.24-X,2(b).
11. Live amplified music is prohibited.
12. Prior to the issuance of any Certificate of Occupancy, a copy of the Parking Mitigation Plan shall be submitted to the Department of City Planning to be placed in the case file folder.
13. Prior to the issuance of any Certificate of Occupancy, the applicant shall prepare and implement an incentive program to encourage employees to walk, bike, use transit or carpool to work. Said program may include but not limited to the following: subsidies for public transit and installation of bike racks. Employees who do not take alternative forms of transportation to get to work shall be provided dedicated parking spots as part of the lease agreement, including during construction. A copy of the incentive program shall be submitted to Department of City Planning to be placed in the case file folder.

14. The applicant shall maintain a valet parking contract with the company compliant with the City of Los Angeles' Valet Parking Operator and Valet Parking Attendant program and have required permits and insurance as required thereto.
15. There shall be no alcoholic beverage service of any kind in the public right-of-way (including the outdoor patio area).
16. Licensed security personnel must be present during operating hours from sunset to closing to prevent any consumption of alcohol around the areas immediately adjacent to the site, discourage patrons from leaving the site with alcoholic beverages, and to maintain order near the bar.
17. The premises shall be maintained as a bona fine restaurant, in conjunction with a Department of Alcoholic Beverage Control License. Permitted business shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during normal operating hours.
18. Use of the subject premise classified as Adult Entertainment as defined in Sections 12.24-W, 18 or 12.70 of the Los Angeles Municipal Code are strictly prohibited.
19. Appropriate permits must be obtained prior to having any live entertainment such as piano bar, juke box, disc jockey, dancing, or any event likely to gather a large crowd on the premises or areas adjacent to the premise.
20. Any and all planned event likely to gather a large crowd on the premise deviating from the normal daily activity on the premise must be notified to Police Department 30 days prior to scheduled event.
21. Any music, sound, or noise emitted from the premise, including outdoor patio area must not be audible beyond the property line of the premise.
22. There shall be no advertisement or sign of any kind or type promoting or indicating the availability of alcoholic beverages on the exterior of the premise, including advertising directed to the exterior from within.
23. 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.
24. 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(s) provide, permit or make available, either gratuitous or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
25. No cover charge or admission shall be charged, nor shall there be a requirement to purchase a minimum number of drinks, in a manner which would characterize the use as a nightclub or after hours establishment.

26. No alcoholic beverages shall be allowed to be consumed on any property adjacent to the licensed premises.
27. There shall be no activity resembling night-club and or lounge at the premise.
28. Applicant shall not allow the premises to be used for private parties.
29. Any alcoholic beverage sold or dispensed for any form of compensation shall only be for consumption on the premise.
30. Applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment.
31. The property/business owners and the business operators shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding their respective premises. Prior to the utilization of this grant, the phone number shall be posted on each establishment of the subject premises so that it is readily visible to any interested party. The hot line shall be posted at the entrances of the subject building, at the Customer Service Desk, and provided to the immediate neighbors, schools, and local neighborhood council groups.
32. Property owner/operator shall keep a log of any complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator or other city representatives.
33. Valet parking shall be provided to mitigate traffic congestion and assist in preventing traffic hazards to other passing vehicles. A sign shall be posted indicating the valet service and its attendants must be properly permitted by the City.
34. Applicant shall secure off-site parking lot prior to plan approval for patrons utilizing valet services.
35. Applicant must post signs to discourage loitering and open alcoholic beverage containers on areas adjacent to the premise. The signs must be prominent, permanent and clearly visible. Generally, the signs should be 24" in length and 14" in width with the print of sufficient size to make them clearly visible. The placement should be reasonable based upon the physical layout of the premises per Section 25612.5(c)(1)(2) Business & Professions Code.
36. Applicant must post signs in the business where alcoholic beverages are furnished that warns customers about certain laws and penalties relating to the sale of alcoholic beverages to, or the purchase of alcoholic beverages by, any person under the age of 21 years. The sign must be placed at an entrance or at a point of sale in the business, or in any other location in the store that is visible to the customers and employees per Section 25658.4 Business & Professions Code.

37. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
38. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
39. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Amplified recorded-music shall not be audible beyond the area under control of the applicant, and any sound or noise emitted that is under the control of the petitioner shall constitute a violation of Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.
40. There shall be no coin-operated game machines or video machines permitted on the premises at any time, except for four skeeball machines las shown in Exhibit "A".
41. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies. The manager and all employees shall be knowledgeable of these Conditions.
42. 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 who acted on this case 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 new staff. 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 2 months of their employment.

43. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
44. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the restaurant.
45. 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.
46. Petitioner(s) shall install and maintain security cameras and a one-month DVR that covers all common areas of the business, high-risk areas, entrances and exits. The DVRs shall be made available to the Los Angeles Police Department upon request.
47. **Prior to the beginning of operations**, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject of the email to include the case number, "**ZA-2017-030-CUB/Operation Notification**". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
48. **Prior to the beginning of operations**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows,

We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction the restaurant/brewery known as [INSERT NAME OF BUSINESS], and agree to abide and comply with said conditions.
49. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Condition Compliance Unit within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.

50. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or If at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, shall be submitted to the Department of Planning, Condition Compliance Unit within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.
51. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.
52. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or Condition Compliance Unit for inclusion in the case file.
53. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
54. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's

processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent 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 **May 30, 2017**, 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 subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the statements made at the public hearing on April 26, 2017, 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 subject property is a level, interior, rectangular-shaped 26,000 square-foot parcel consisting of two lots with a frontage of 112 feet on the east side of La Brea Avenue. The property is developed with the Firestone Tire Store, a Los Angeles Historical and Cultural Monument (HCM #1020). The proposed project will be an adaptive reuse of a designated historic cultural monument (Firestone Tire Store Cultural Monument #1020) which has been vacant for nearly two years, into a new multiple-concept restaurant venue with a microbrewery and retail space. The market hall will operate with three small, distinct

restaurant vendor spaces and a microbrewery. The retail component will incorporate goods and services reminiscent of the Firestone auto history, while the dining area will function as a walking, biking and shared-ride, neighborhood-serving location which should function as a hub of community interaction for a growing residential population in the area. The 12,724, square-foot historic building space will include approximately 4,420 square-foot of restaurant and microbrewery operations, 1,822 square-foot of retail, and 1,057 square-foot of support areas including trash, restrooms, and electrical and 5,425 square-foot of common seating area not to exceed 199 seats. No additional floor area is proposed.

The project site is zoned C2-1 and is located within the Wilshire Community Plan with a General Plan Land Use Designation of General Commercial. The property is further located within a Transit Priority Area.

The applicant is requesting a conditional use to allow the sale of a full line of alcoholic beverages for on-site consumption, and the sale, brewing, and dispensing of beer at the proposed market hall will operate with three small, distinct restaurant vendor spaces and a microbrewery. The project proposes seating for 199 patrons and hours of operation from 9 am to 12 am Sunday through Thursday and 9 am to 2 am Friday through Saturday.

The northern adjoining properties (across 8th Street) are zoned [Q]C4-2D and is developed with a six to seven story mixed use development.. The eastern adjoining property is zoned R2-1 and is developed with one to two-story single-family and multi-family buildings. The southern adjoining properties are zoned C2-1 and are developed with one-story commercial buildings. The western adjoining properties (across La Brea Avenue) are zoned C2-1-O and are developed with one to two-story commercial buildings.

STREETS

La Brea Avenue, adjoining the subject property to the west, is a designated Avenue I, dedicated to a width of 100 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

8th Street, adjoining the subject property to the north is a designated Collector Street and is dedicated to a width of 66 feet and improved with asphalt roadway and concrete gutter.

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

Subject Property

Case No. CHC-2012-195-HCM – On May 30, 2012, the City Council approved the inclusion of the Firestone Tire Building on the list of Historic-Cultural Monuments.

Surrounding Property

Case No. ZA 2013-2021-CUB – On October 18, 2013, the Zoning Administrator approved a conditional use the sales and dispensing of beer and wine only for on-site consumption in conjunction with an existing restaurant in the C2- 1 Zone at 850 South La Brea Avenue.

Case No. ZA 2009-502-CUB-ZV – On June 30, 2011, the Zoning Administrator denied a request for a Conditional Use and Zone Variance in conjunction with the operation of an existing restaurant located at 838-842 La Brea Avenue.

Case No. ZA 2006-181-CUB – On October 25, 2006, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine only for onsite consumption in conjunction with an existing restaurant located at 842 South La Brea Avenue.

Public Correspondence

One letter of opposition was received from nearby neighbor who expressed concerns over parking, noise issues potentially generated by the proposed project.

A letter was received from the Los Angeles Police Department dated January 21, 2017, whom opposed the application, but included draft conditions of approval if the application is approved.

A letter dated March 20, 2017 was received from the Sycamore Square Neighborhood Association (SSNA) who voted to support the application subject to the sixteen conditions of approval.

Public Hearing

The public hearing was held on April 26, 2017 at City Hall in downtown Los Angeles. The hearing was attended by the applicant, the applicant's representatives, Margaret Taylor, a representative of the Council Office, and members from the community.

The following statements were made by the applicant's representatives:

- The subject building is a Historic Cultural Monument.
- The project will renovate the building and change the use from automotive/retail use to a restaurant with ancillary microbrewery and retail uses.
- The applicant is seeking a Type 75 alcohol license.
- The applicant has worked with Lambert Giessinger of the Office of Historic Resources to ensure the historic qualities of the building will remain significant. Such efforts to renovate the building include restoration of the historic building façade and features and the perseveration of the Firestone signage. There will be no changes in the floor area proposed.
- The applicant has also reached out to adjacent property owners and noticed a neighborhood open house to owners and occupants within a 500-ft radius.
- LAPD's Wilshire Vice unit conducted a site visit.
- The applicant met with the Sycamore Square Neighborhood Association on February 5, 2017, March 5, 2017, and March 20, 2017 and came to an agreement with the SSNA Resolution dated March 20, 2017.
- The applicant met with the Greater Wilshire Neighborhood Council on February 28 (Land Use Committee), March 28, 2017 (Land Use Committee), and April 12, 2017 with the full Board.

- There should be a correction in LAPD's letter dated January 21, 2017. The change would be the hours of operation starting at 9:00 am daily. The other change is for condition no. 10 since the project proposes four skee ball machines.
- There are two parking leases existing for the proposed CUB request.
- The applicant has agreed to follow Sycamore Square Neighborhood Association conditions.

At the public hearing, a copy of the invitation to attend a January 29, 2017 meeting was included in the Applicant's submittal along with a sign-in sheet of the neighborhood open house, other email correspondences supporting the project and a petition of support that included 9 names, and a letter of support from the Greater Wilshire Neighborhood Council.

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.

They may include those identified during hearing testimony, received as part of correspondence via stakeholder groups, city agency, other responsible agency, Council District, Mayor's office, etc.)

- No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.
- No cocktail lounge shall be maintained on the premises separate from the dining area.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- The sale of alcoholic beverages for consumption off the premises is prohibited.

- Fortified wine (greater than 16% alcohol) shall not be sold.
- There shall be no cocktail lounge or separate bar area.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

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 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 project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The proposed project will be an adaptive reuse of a designated historic cultural monument (Firestone Tire Store Cultural Monument #1020) which has been vacant for nearly two years, into a new multiple-concept restaurant venue with a microbrewery and retail space. The market hall will operate with three small, distinct restaurant vendor spaces and a microbrewery. The retail component will incorporate goods and services reminiscent of the Firestone auto history, while the dining area will function as a walking, biking and shared-ride, neighborhood-serving location which should function as a hub of community interaction for a growing residential population in the area. The 12,724, square-foot historic building space will include approximately 4,420 square feet of restaurant and microbrewery operations, 1,822 square feet of retail, and 1,057 square feet of support areas including trash, restrooms, and electrical and 5,425 square feet of common seating area not to exceed 199 seats. No additional floor area is proposed.

Abutting properties to the east are buffered from any potential impact due to the orientation of the building, opening only toward the major streets.

The L.A.M.C. authorizes the Zoning Administrator to approve a conditional use for the sale of a full line of alcoholic beverages if the required findings in Sections 12.24-E and 12.24-W,1 can be made in the affirmative. Section 12.24-F authorizes the Zoning Administrator to impose conditions related to the interests addressed in the required findings. The proposed sale of a full line of alcoholic beverages and the ancillary brewing of beer for on-site consumption at the restaurant is requested as an amenity for the restaurant's customers. No dancing, happy hour drink discounts, or a separate bar area has been requested.

The Zoning Administrator has imposed operational conditions regarding: the maintenance of the operation as a bona fide restaurant, noise, security cameras, and STAR training to reduce the restaurant/brewery's land use impacts and to protect public welfare. Conditions which relate to the sale and service of alcoholic beverages are under the purview of the California Department of Alcoholic Beverage Control and they are listed above for the Department to consider when reviewing the ABC license.

At the public hearing, the Applicant's representative stated the Applicant had come to agree with the Sycamore Square Neighborhood Resolution dated March 20, 2017. The resolution included a list of conditions the Applicant would abide by in order to minimize operating impacts and potential parking and traffic impacts to the surrounding community. A few of those conditions have been included in this grant since there is a nexus with the requested entitlement. Through a third-party agreement, the Applicant will be able to fulfill the remaining conditions to ensure the project will bring protection to the surrounding neighborhood.

The proposed restaurant/brewery will enhance the built environment by improving a vacant commercial building and replacing it with a vibrant restaurant/food hall and brewery concept. Approval of the request is reasonable given the restaurant/brewery's size and limited hours of operation. As conditioned, the restaurant with incidental sale of a full line of alcoholic beverages for on-site consumption and the brewing of beer for on-site consumption will enhance the built environment and provide a beneficial service to the surrounding community.

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 is a level, interior, rectangular-shaped 26,000 square-foot parcel consisting of two lots with a frontage of 112 feet on the east side of La Brea Avenue. The property is developed with the Firestone Tire Store, a Los Angeles Historical and Cultural Monument (HCM #1020). The project will adaptively reuse a designated historic cultural monument (Firestone Tire Store Cultural Monument #1020), which has been vacant for nearly two years, into a new multiple-concept restaurant venue with a microbrewery and retail space. The market hall will operate with three distinct restaurant vendor spaces and a microbrewery.

The retail component will incorporate goods and services reminiscent of the Firestone auto history, while the dining area will function as a walking, biking and shared-ride, neighborhood-serving location which should function as a hub of community interaction for a growing residential population in the area. The 12,724, square-foot historic building space will include approximately 4,420 square-foot of restaurant and microbrewery operations, 1,822 square-foot of retail, and 1,057 square-foot of support areas including trash, restrooms, and electrical and 5,425 square-foot of common seating area not to exceed 199 seats. No additional floor area is proposed.

The project site is zoned C2-1 and is located within the Wilshire Community Plan with a General Plan Land Use Designation of General Commercial. The property is further located within a Transit Priority Area.

The applicant is requesting a conditional use to allow the sale of a full line of alcoholic beverages for on-site consumption, and the sale, brewing, and dispensing of beer at the proposed market hall will operate with three small, distinct restaurant vendor spaces and a microbrewery. The project proposes seating for 199 patrons and hours of operation from 9 am to 12 am Sunday through Thursday and 9 am to 2 am Friday through Saturday.

The northern adjoining properties (across 8th Street) are zoned [Q]C4-2D and is developed with a six- to seven-story mixed use development. The eastern adjoining property is zoned R2-1 and is developed with one to two-story single-family and multi-family buildings. The southern adjoining properties are zoned C2-1 and are developed with one-story commercial buildings. The western adjoining properties (across La Brea Avenue) are zoned C2-1-O and are developed with one to two-story commercial buildings.

The 12,724, square-foot historic building space will include approximately 4,420 square feet of restaurant and microbrewery operations, 1,822 square feet of retail, and 1,057 square feet of support areas including trash, restrooms, and electrical and 5,425 square-foot of common seating area not to exceed 199 seats. No additional floor area is proposed.

At the public hearing, the Applicant's representative stated the Applicant had come to agree with the Sycamore Square Neighborhood Resolution dated March 20, 2017. The resolution included a list of conditions the Applicant would abide by in order to minimize operating impacts and potential parking and traffic impacts to the surrounding community. A few of those conditions have been included in this grant since there is a nexus with the requested entitlement. Through a third-party agreement, the Applicant will be able to fulfill the remaining conditions to ensure the project will bring protection to the surrounding neighborhood.

As conditioned, the proposed restaurant/brewery with the sale of a full line of alcoholic beverages is expected to operate in a manner that is compatible with and does 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 General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. Objective 7.3 of the Framework Element sets a goal to "maintain and enhance the existing businesses in the City" and Policy 7.3.2 encourages the establishment and retention of "neighborhood commercial activities within walking distance of residential areas."

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The Wilshire Community Plan designates the property for General Commercial land uses with corresponding C1.5, C2, C4, RAS3, RAS4, and P Zones and Height District No. 1.

The subject site is zoned C2-1. The proposed project is consistent with the property's zoning and land use designation. The Community Plan text does not specifically address the requested conditional use for the sale of a full line of alcoholic beverages and incidental beer manufacturing, the LAMC allows the Zoning Administrator to approve the use under the authority of Section 12.24-W.1 if the findings of fact can be made in the affirmative. As conditioned, approval of a full line of alcoholic beverages at a bona fide restaurant can be deemed to substantially conform to the purpose, intent and provisions of the General Plan and the Wilshire Community Plan.

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

The granting of the request will activate streetscape, support viability of the building, and provide needed services to the neighborhood. The proposed project will contribute to the economic vitality of the site and to the City's tax base. The economic welfare of the community depends on healthy and viable commerce and this restaurant and microbrewery will provide the community with an economically viable and respected commercial establishment as part of its community-serving commercial boulevards.

Additionally, this establishment will also create service sector employment opportunities in the area by a well-known and respected operator with strict internal operations and training procedures. Employees will benefit from this training and knowledge of best practices in the microbrewery community.

The grant authorized herein incorporates a number of conditions which have been imposed upon the restaurant/brewery to maintain its compatibility with the character of the immediate neighborhood. Such conditions include the

requirement of security measures such as a surveillance system and deterrence of graffiti and loitering. In addition, the grant requires the installation of age verification device at the point of sale to deter underage purchases and drinking. Employees will also undergo training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program.

Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the brewery and retail/tasting room will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria for the subject Census Tract No. 2162.00, there are four on-site and three off-site licenses allocated. There are eight existing on-site and two existing off-site licenses. The subject location is within a highly-developed commercial corridor which has a variety of restaurants and entertainment venues which have resulted in the existing on-site alcohol licenses to exceed the maximum number allocated.

Statistics from the Los Angeles Police Department's Wilshire Division reveal that in Crime Reporting District No. 745, which has jurisdiction over the subject property, a total of 201 crimes were reported in 2015, compared to the citywide average of approximately 181 crimes and the high crime reporting district average of approximately 217 crimes for the same period. In 2015 there were 3 Rapes, 3 Robbery, 3 Aggravated Assaults, 41 Burglaries, 17 Vehicular Thefts, 11 Liquor Laws, 2 Public Drunkenness, 2 Moving Traffic Violations, 2 Miscellaneous Violations, and 1 Pre-Delinquency in the District. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The addition of the proposed license for will numerically increase the on-site licenses in the census tract by one. Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The project will not adversely affect community welfare because the restaurant/brewery is a desirable use in an area designated for commercial uses, and is a continuation of

an established use. In this case, the proposed project will transform a previously vacant historic and cultural monument into a vibrant food hall/microbrewery provide a convenience to workers and visitors in the immediate neighborhood and as conditioned, will not negatively impact the area.

The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity.

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

- West Bethel Presbyterian Church at 827 S. La Brea Avenue
- Wilshire Crest Elementary School at 5241 W. Olympic Boulevard
- Cathedral Chapel of St. Vibiana at 927 S. La Brea Avenue
- Formosa Presbyterian Church at 5211 W. Olympic Boulevard
- Mathnasium Learning Center at 5164 Wilshire Boulevard

While there are residential units within 500 feet of the subject site, said uses will be enhanced by the new community space. Neighbors are more likely to interact, see each other, meet and enjoy family time in the space which is needed to create a collective identity.

The restaurant and microbrewery are small in size and scale with the majority of the space dedicated for seating.

Furthermore, there is great risk to the residential community from properties lying vacant for extended periods of time, providing temptation to crime and vagrancy. It is important to understand the convenience to this residential population to have this authentic, responsible, high quality microbrewery and restaurant in their community. It will become a focal point of connection for the community and benefits the neighborhood overall. During high traffic hours, it is especially convenient to be able to walk to the location and walk home.

The sale of alcohol is in conjunction with a quality restaurant and microbrewery with a substantial menu prepared by a highly professional operation. Alcohol sales with appropriate conditions of approval will not substantially impact the welfare of the area.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
8. The Department of City Planning, on April 25, 2017, under Case No. ENV-2017-31-CE, determined that the project is categorically exempt under Class 32. The project site is surrounded by urban uses, adequately served by all required utilities and public services, has no value as habitat for endangered, rare or threatened species and is less than five acres. The project is consistent with the applicable general plan designation and applicable zoning regulations and would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Inquiries regarding this matter shall be directed to Jordann Turner, Planning Staff for the Office of Zoning Administration at (213) 978-1365.



HENRY CHU
Associate Zoning Administrator

HC:JT:bk

cc: Councilmember David Ryu
Fourth District
Adjoining Property Owners