

AFFIDAVIT OF MAILING

ZONING ADMINISTRATOR CASE NO.

2A-2016-1845-CUB

I, Felipe Ortega, certify that I am an employee of the City of Los Angeles, DEPARTMENT OF CITY PLANNING, State of California, and I did, on the 30 day of September, 2016, mail, postage prepaid, to the applicant and all parties required by the Municipal Code, as detailed on the official ownership list, a copy of the determination, a true copy of which is attached.

☒ Applicant
☒ Representative
☒ Adjoining Property Owners
☒ Council District
☒ Names on Sign-In Sheet
☒ Other

There is a regular daily service by mail between the City of Los Angeles and each of the addresses were sent a copy of the determination.

LYNN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
THEODORE L. IRVING
ALETA D. JAMES
CHARLES J. RAUSCH, JR.
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

**DEPARTMENT OF
CITY PLANNING**

VINCENT P. BERTONI, AICP
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September 30, 2016

Paul Solomon (A) (O)
6171 Century LLC
6171 West Century Boulevard Unit 350
Los Angeles, CA 90045

Christopher Murray (R)
Rosenheim & Associates
21600 Oxnard Street Unit 630
Woodland Hills, CA 91367

CASE NO. ZA-2016-1845(CUB)
CONDITIONAL USE
6171 West Century Boulevard, Suite 180
Westchester-Playa del Rey Planning Area
Zone: C2-2
C.D.: 11
D.M.: 090B165
CEQA: ENV-2016-1846-CE
Legal Description: Lot 1, Arb 2 and Lot 2;
Tract 30853

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

a Conditional Use Permit to allow the sale of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed bar in the C2-2 Zone,

upon the following additional terms and conditions:

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

5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed 1,840 square-foot bar with a proposed 975 square-foot uncovered outdoor seating area, subject to the following limitations:
 - a. Indoor seating shall be limited to approximately 50 seats provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - b. Outdoor seating shall be limited to approximately 60 seats. A permit to allow an outdoor seating area shall be obtained from the Department of Building and Safety. The final number of seats and their location may be modified by said agency to meet accessibility and exiting requirements. A copy of the building permit shall be provided to the Department of City Planning **prior to the effectuation of this grant.**
 - c. The hours of operation for the bar, including the unenclosed patio, shall be limited to 10:00 a.m. to 2:00 a.m. daily.
 - d. Vendor deliveries shall be conducted between 8:00 a.m. to 9:00 p.m. There shall be no deliveries on Sundays.
 - e. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
7. **Prior to the effectuation of this grant**, a building permit to change the use from office to a bar with outdoor eating area shall be obtained from the Department of Building and Safety. The applicant shall provide a copy of the final approved plans to the Department of City Planning to be maintained in the Case File.
8. The authorization granted herein is for the on-site sale and dispensing of a full line of alcoholic beverages from the **effective date of this grant.**
9. **Prior to the effectuation of this grant**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for inclusion in case file.

10. **Prior to the effectuation of this grant**, the applicant shall notify the Department of City Planning 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 within 30-days of issuance. The notification shall be submitted to planning.ccu@lacity.org, with the subject: **"ZA-2016-1845-CUB/Operation Notification"**. The applicant shall also submit evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
11. **Prior to the effectuation of this grant**, the applicant shall prepare and implement an incentive program to encourage employees to walk, bike, use public transit or carpool to work. Said program may include but not be limited to: subsidies for public transit and installation of bike racks. A copy of the program shall be submitted to the Department of City Planning for inclusion in the file.
12. **Prior to the effectuation of this grant**, the applicant shall comply with the Los Angeles Transportation Coastal Transportation Corridor Specific Plan.
13. **Prior to the effectuation of this grant**, a camera surveillance system shall be installed by a State licensed contractor to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days. The tapes shall be furnished to the Los Angeles Police Department upon request. The applicant shall provide evidence of the surveillance system to the Department of City Planning by submitting an invoice/receipt from the licensed installer, photographs of the cameras installed, the central monitoring system and a schematic plan cross-referencing the camera and central system locations. The plan will be maintained by the Department of City Planning and be made be available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
14. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment. Photographic evidence of the light fixtures, indicating the locations and types of light fixture, shall be submitted to the Department of City Planning, **prior to the beginning of operations**
15. **Within 30 days of the effective date of this grant**, the applicant shall establish a "Free Designated Driver Program" which may include, but it is not limited to, free non-alcoholic beverages, such as water, coffee, tea or soft drinks offered to the designated driver of a group. The availability of this program shall be made known to the bar patrons either via signs/cards notifying patrons of the program, or printed on the menu. The signs/cards shall be visible to the customer and posted or printed in prominent locations or areas, such as tables, entrance(s), host station, waiting area, bars, or bathrooms. A copy or sample of the sigs/cards and/or of the menu shall be submitted to the Department of City Planning for inclusion in the case file.
16. **Prior to the effectuation of this grant**, an electronic age verification device shall be purchased and retained on the premises for use during operational hours. This

device shall be maintained in operational condition and all employees shall be instructed in its use. A copy of the purchase receipt and photographs of the device shall be provided to the Department of City Planning for inclusion in the case file.

17. **Prior to the effectuation of this grant**, 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 Department of City Planning. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with the bar known as Bar None, and agree to abide and comply with said conditions.

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of Alcoholic Beverage Control.

18. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
19. **Prior to the effectuation of this grant**, 24-hour "hot line" shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be posted at the following locations:
- a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department. Complaints shall be responded to within twenty four hours. The applicant shall provide photographs of the sign postings and a copy of the log to the Department of City Planning for inclusion in the Case File.

20. Within the **first six months of the beginning of operations** at this establishment, all employees involved with the sale of a full line 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 referencing Case No. ZA-2016-1845-CUB, from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
21. The premises shall not be leased or rented to outside promoters or to any third parties for private parties or special events. The applicant/operator may host private parties or events where a fixed number of customers is predetermined and does not exceed the seating capacity or maximum occupancy approved by the Fire Department. The conduct of the business during any private parties shall be under the direct control of the business owner/operator and bar management staff shall be present during private parties. The person responsible for the private party or event shall be provided with a copy of the conditions of this grant and the language below or similar language shall be included in the contract related to any private party or event.
22. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
23. There shall be no karaoke.
24. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
25. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
26. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
27. The petitioner(s) shall be responsible for maintaining the immediate area adjacent to the premises over which they have control litter free.

28. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
29. 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 grant, or if documented evidence is submitted showing a continued violation(s) 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, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the Plan Approval will be to review the operation of the premises 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. The Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
30. **MViP – Monitoring, Verification and Inspection Program.** Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file. The owner/operator shall be notified of any deficiency or violation and required to correct; or to 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.
31. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**
Applicant shall do all of the following:
- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit

decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

“City” shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

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

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

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 **OCTOBER 17, 2016**, 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 Planning Staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith and the testimony presented at the public hearing of July 11, 2016, 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 under the provisions of Sections 12.24-W, 1 have been established by the following facts:

BACKGROUND

The project site is a corner lot consisting of two-tied parcels having approximately 34,522 square-feet. The lot has an approximately 184-foot frontage along Century Boulevard and approximately 178-foot frontage along Vicksburg Avenue. The property is zoned C2-2, has a Regional Commercial land use designation, and is located in the Westchester – Playa Del Rey Community Plan. The property is within the Los Angeles Coastal Transportation Corridor Specific Plan, Los Angeles State Enterprise Zone (ZI-2374), and Transit Priority Area in the City of Los Angeles (ZI-2452).

The property is currently developed as a 3-story, approximately 65,000 square-foot commercial building per Certificate of Occupancy No. LA47610/77 issued on June 15, 1978. A total of 200 off-street parking spaces are located within a parking structure at 6144 West 98th Street per Covenant and Agreement dated March 30, 1977. There are two existing driveways, one located along Vicksburg Avenue and one along Century Boulevard providing access to an additional 11 shared on-site parking spaces.

The applicant is requesting to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed 1,840 square-foot bar with approximately 50 seats on the ground floor of the mixed-use building. The request also includes a proposed 975 square-foot uncovered outdoor seating area with approximately 60 seats to be shared with a future adjacent restaurant. The total seating capacity for the bar is approximately 110 seats. Alcohol service will be available in the bar and the outdoor seating area. The applicant is also requesting hours of operation from 10:00 a.m. to 2:00 a.m. daily, featuring limited live entertainment. The applicant submitted revised plans on July 8, 2016 to reduce the size of the patio from 1,087 square-feet to 975 square-feet and remove the shared restroom that was supposed to be shared with the adjacent tenant space.

Properties to the north, are developed with the Courtyard Hotel and commercial parking, in the C2-2 and LAX Zone.

Properties to the south, across Century Boulevard, is developed with the Los Angeles International Airport (LAX) including cargo and related aircraft facilities, in the LAX Zone.

Properties directly to the east, are developed with a multi-story office building with ground floor retail, surface parking, and a Sheraton Gateway Hotel, in the C2-2 Zone.

Properties to the west, across Vicksburg Avenue, are developed with The Concourse Hotel and a commercial airport parking structure in the [T] [Q] C2-2 Zone.

Century Boulevard, is a designated Modified Boulevard I with a 120-foot width and improved with curb, gutter and sidewalk.

Vicksburg Avenue, is a designated Local Street – Standard with a 60-foot width and improved with curb, gutter and sidewalk.

98th Street, is a designated Collector Street with a 66-foot width and improved with curb, gutter, and sidewalk.

Previous zoning cases, permits and orders on the subject property:

Building Permit No. 15016-10000-21040 –Issued on October, 27, 2015, for a ground floor interior tenant improvement (T.I.) to an existing office building.

Building Permit No. 15014-30000-01272- Issued on June 9, 2015, for core and shell alterations of common areas, basement lobby, 1st floor lobby addition, and tenant

improvement (T.I.) of tenant spaces, new and replaced storefront and entrances, selective demo of finishes, toilet room fixtures, electrical, lighting, plumbing.

Certificate of Occupancy No. LA47610/77-Issued on June 15, 1978, for a three story, Type II, 158'x158', office building with 163 parking spaces.

Cases on Surrounding Properties:

Case No. ZA-1985-1320-CUB - On March 13, 1986, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of alcoholic beverages for on-site and off-site consumption, in conjunction with an existing hotel located at 6225 West Century Boulevard.

Case No. ZA-1987-1512-CUB- On April 18, 1988, the Zoning Administrator approved a Conditional Use to permit the construction of a seven-story, 181-room hotel located at 6161 West Century Boulevard.

Case No. ZA-1993-992-CUB- On January 21, 1994, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages in conjunction with the operation of the Central Plaza Los Angeles Airport Hotel with 178 rooms including a 42 seat coffee shop/restaurant located on the ground floor, ground floor meeting/banquet facilities with a maximum occupancy of approximately 120, as well as the sale and dispensing of a full line of alcoholic beverages in conjunction with room service located at 6161 West Century Boulevard.

Public Hearing:

The public hearing was held on July 11, 2016, in City Hall, 200 North Spring Street, Room 1070, Los Angeles. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were invited to submit written comments regarding the request prior to the public hearing.

The hearing was attended by the applicant's representative, Christopher Murray, and the applicant, Paul Solomon. Also present was Ezra Gale, Council Deputy for Council District No. 11, Councilman Mike Bonin.

The Zoning Administrator provided a brief overview of the project request as stated on the notice of public hearing. The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a 1,940 square foot bar. The applicant is proposing 50 indoor seats and 60 outdoor seat located in a 975 square foot uncovered seating area. Hours of operation proposed are from 10:00 a.m. to 2:00 a.m., daily.

Christopher Murray, the applicant's representative, provided the following testimony:

- Project is located within an office building
- The parcel is a square shaped parcel of land (Century Boulevard and Vicksburg Avenue).
- The airport security uses this building for its initial screenings

- “Bar None” will be located within a 3-story office building
- There are 11 on-site parking stalls and 200 additional off-site stalls with a parking affidavit. Parking is slightly to north and east of office building.
- The owner created 2 tenant spaces for site. One will be occupied by a sandwich shop known as “Original Rinaldi’s” and the other by “Bar None”
- There are two changes to the floor plan. Originally there was going to be a shared restroom with the sandwich shop and Bar None. Now there is a separate restroom for sandwich shop with no point of entry from the bar.
- Total square footage of project has been reduce by approximately 100 square feet
- There was a retabulation of patio area. New patio area was reduced to 975 square feet. Seat count remains the same.
- Project is located in the Los Angeles State Enterprise Zone and Los Angeles Coastal Transportation Corridor, Specific Plan Area.
- This is a 3-story, 5,500 square foot office building which was constructed in 1987. The site is surrounded by properties in the C2 Zone consisting of offices and businesses related to and including LAX and hotels
- The total new floor area for Bar None is 1,840 square feet with a 975 square foot outdoor patio.
- Bar will have a limited food menu. Patrons will have an opportunity to get food from the sandwich shop.
- Bar will be a neighborhood servicing use. Bar will service individuals staying at hotels nearby and neighboring businesses
- There will be limited live entertainment. No dancing.

Paul Solomon, applicant provided the following testimony:

- There will be limited live entertainment. Perhaps a piano located in the bar
- This is not a nightclub. No dancing. Will cater to an older clientele.
- The building is well constructed and in a good location.
- There are few amenities in the area to service people
- Area is lacking a point of destination.
- People staying in the hotels and waiting for a flight out of town need a place to go.

Laurie Hughes, Manager of Business Improvement District (BID)

- BID is in support of CUP.
- Biggest challenge for BID trying to attract economic development and bring amenities to the area
- Area is starved for amenities and this project is what we want for the area
- The applicant has made a state-of-the-art building
- Neighborhood and stakeholders are in support
- Applicant is a real community player. He seeks community input
- The applicant’s competition (other hotels with bars) embrace this new project.
- BID did not prepare a letter for the case file

Chant Vartarian, provided the following testimony:

- I am a tenant in the building

- I'm in support of the project. This is one of the nicest offices spaces I've seen
- The owner (Paul) is the best landlord and he really gets involved and is community driven.
- The building has a rating of glass that blocks out noise. There is no noise that comes in or out of the building. You don't hear noise from the airplanes.

Ezra Gale, Council Deputy for Council District No. 11, provided the following testimony:

- The Council Office is thrilled with this project
- The area is underserved. The BID had to take people out of the area. Council Office is happy to see an investment in the community
- No problems with applicant having a Dis Jockey, bands or amplified music
- Project is not located near a residential area. This is an industrial area.
- Council Office is in full support.

Correspondence:

No telephone calls, emails or letters were received to the file.

The Zoning Administrator closed the public hearing, noting a letter of determination would be mailed out to all those in attendance who signed the mailing list in addition to the abutting property owners.

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

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

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

No comments were received for consideration.

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 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

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 project site is a corner lot consisting of two-tied parcels having approximately 34,522 square-feet. The lot has an approximately 184-foot frontage along Century Boulevard and approximately 178-foot frontage along Vicksburg Avenue. The property is zoned C2-2, has a Regional Commercial land use designation, and is located in the Westchester – Playa Del Rey Community Plan. The property is within the Los Angeles Coastal Transportation Corridor Specific Plan, Los Angeles State Enterprise Zone (ZI-2374), and Transit Priority Area in the City of Los Angeles (ZI-2452).

The property is currently developed as a 3-story, approximately 65,000 square-foot commercial building per Certificate of Occupancy No. LA47610/77 issued on June 15, 1978. A total of 200 off-street parking spaces are located within a parking structure at 6144 West 98th Street per Covenant and Agreement dated March 30, 1977. There are two existing driveways, one located along Vicksburg Avenue and one along Century Boulevard providing access to an additional 11 shared on-site parking spaces.

The applicant is requesting to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a proposed 1,840 square-foot bar with approximately 50 seats on the ground floor of the mixed-use building. The request also includes a proposed 975 square-foot uncovered outdoor seating area with approximately 60 seats to be shared with a future adjacent tenant. The total seating capacity for the bar is approximately 110 seats. Alcohol service will be available in the bar and the outdoor seating area. The applicant is also requesting hours of operation from 10:00 a.m. to 2:00 a.m. daily, featuring limited live entertainment. As conditioned, the project will enhance the built environment in the surrounding neighborhood, perform a function, and provide a service that is essential or beneficial to the 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 project's location, size, height and operations are compatible with the immediate neighborhood as the project site is an in-fill project. The applicant is proposing a change of use from an office to a bar with a proposed outdoor

uncovered patio. The character of the neighborhood will remain intact even with the approval of alcohol sales for on-site consumption as an added benefit to nearby employees and travelers since it is in close proximity to the Los Angeles International Airport. Properties to the north, are developed with the Courtyard Hotel and commercial parking, in the C2-2 and LAX Zone. Properties to the south, across Century Boulevard, is developed with the Los Angeles International Airport (LAX) including cargo and related aircraft facilities, in the LAX Zone. Properties directly to the east, are developed with a multi-story office building with ground floor retail, surface parking, and a Sheraton Gateway Hotel, in the C2-2 Zone. Properties to the west, across Vicksburg Avenue, are developed with The Concourse Hotel and a commercial airport parking structure in the [T] [Q] C2-2 Zone.

The grant authorized herein incorporates a number of conditions that are intended to insure that the proposed operation with the addition of alcohol sales will be compatible with other uses in the surrounding community. Conditions include but are not limited to alcohol-service training for employees, acoustic live entertainment with no dancing, and providing security cameras and lighting as additional safety features. Additionally, the Zoning Administrator has imposed conditions of approval to ensure that the property owners, bar owners, and management are knowledgeable about the conditions of approval. Thus, as conditioned, 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.

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

There are eleven elements of the General Plan. Each of these Elements establishes policies 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 in the form of Code Requirements of the Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The property is zoned C2-2 within the Westchester – Playa Del Rey Community Plan and designated for Regional Commercial land uses. Neither the General Plan nor the Community Plan text specifically addresses the sale of alcoholic beverages. However, the Los Angeles Municipal Code authorizes the Zoning Administrator to grant the requested Conditional Use Permit in the C2-2 Zone to allow all requests.

The subject site is zoned C2-2, which allows for the consideration of alcoholic beverages, including beer and wine, for consumption on the premises or off-site of the premises in the CR, C1, C1.5, C2, C4, C5, CM, MR1, MR2, M1, M2, and M3 Zones with authority from the Zoning Administrator pursuant to Los Angeles Municipal Code Section 12.24-W, 1 with a Conditional Use Permit to allow the sale

of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed bar in the C2-2 Zone.

The Westchester – Playa Del Rey Community Plan does not have any specific provisions concerning the sale of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. The Community plan states;

Goal 2: Encourage a strong and competitive commercial sector that promotes economic vitality and serves the needs of the Westchester – Playa Del Rey community through safe, accessible, and well-designed commercial districts, while preserving the historic and cultural character of the community.

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

Policy 2-1.1: New commercial uses should be located in existing established commercial areas, or shopping centers.

Objective 2-2: Strengthen and enhance the major commercial districts of the community into distinctive, pedestrian-friendly areas providing shopping, civic, social, and recreational activities.

Policy 2-2.2: In appropriate areas, encourage the incorporation of retail, restaurant, and other commercial uses in the ground floor street frontage of structures to promote a more lively and pedestrian-orientated commercial environment.

Therefore, as conditioned, the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

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

The approval of the conditional use request will not adversely affect the welfare of the community. The requested entitlement is generally conditioned to reflect the mode of operation stated in the application and is compatible with the welfare of the community. As this request is for on-site sales and dispensing in conjunction with a bar, no nightclub type activities shall be permitted including no dancing. The Zoning Administrator has imposed numerous conditions to prevent impacts and integrate the use into the community as well as protect community members from adverse potential impacts. Additionally, the subject site is located on commercial corridor without any residential or sensitive uses within a 1,000 foot radius. As conditioned herein, the proposed use 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.**

The project site is located within Census Tract 9800.28. According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, zero on-sale and zero off-sale alcoholic beverage licenses are allocated to subject Census Tract. Data provided on the ABC's License Query System indicate that there are 75 existing on-site and four existing off-site alcoholic beverage licenses within the subject Census Tract.

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 a license benefits the public welfare and convenience. The subject site is located in a commercial corridor and located near the Los Angeles International Airport where a concentration of restaurants, commercial airlines, and bars are located and is evident by the higher number of alcoholic beverage licenses. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring surveillance and deterrents against loitering. The conditions will safeguard the welfare of the community.

Within a 1,000-foot radius of the subject property, the following types of alcoholic beverage licenses are active or pending:

- (1) Type 41 On-Sale Beer and Wine – Eating Place
- (4) Type 47 On-Sale General – Eating Place
- (1) Type 55 On-Sale General Airplane
- (1) Type 57 Special On-Sale General

Alcohol establishments within 1,000 feet are noted as:

- Courtyard by Marriott LAX, 6161 West Century Boulevard (Type 47)
- Natural Break, 6060 Avion Drive, Term C SP C1 (Type 41)
- American Eagle, 6022 West Avion Drive (Type 55)
- Admirals Club, 6022 West Avion Drive RM 107 (Type 57)
- Sheraton Gateway L.A., 6101 West Century Boulevard (Type 47)
- Concourse Hotel at L.A., 6225 West Century Boulevard (Type 47)
- Crown Plaza Los Angeles Airport, 5985 West Century Boulevard (Type 47)

According to statistics provided by the LAPD, which has jurisdiction over the subject property within Crime Reporting District No. 1496, a total of 141 crimes were reported in 2015, compared to the citywide average of 181 crimes and the high crime reporting district average of 217 crimes for the same period.

In 2015, there were (1) Narcotics, (0) Liquor Law, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, and (4) DWI related arrests. 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.

Given the data provided by LAPD and ABC, there are no indications that the approval of this entitlement will cause undue concentration of alcohol establishments in this area or that criminal activity will be affected. Over concentration can be undue when the addition of a license will negatively impact a neighborhood. Although a new license will be added to the Census Tract, the project will not adversely affect community welfare because the subject bar is a desirable use in the community and it has been conditioned in a manner which will help control anti-social uses of such beverages in public. Furthermore, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, vandalism and loitering.

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.**

There are currently no sensitive uses or residentially zoned communities within 1,000 feet of the proposed bar. As such and as conditioned, the proposed use is not anticipated to have adverse effects upon nearby residential uses since they are non-existent. The grant has been well conditioned, which will protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior, criminal activity and underage drinking have been considered and addressed by prohibiting off-site sales, requiring exterior lighting, requiring age verification devices, the implementation of a designated driver program and requiring proactive security measures. Therefore, the proposed use will not detrimentally affect the nearby community.

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 X, areas of minimal flood hazard.
8. On May 26, 2016, the project was issued a Notice of Exemption [Log No. ZA-2016-1846-CE], pursuant to Class 32, Section 15332 of the State CEQA Guidelines and

Article III, Sec 1, Class 5, Category 34 of the City CEQA Guidelines, the above referenced project has been determined not to have a significant effect on the environment and shall therefore be exempt from the provisions of CEQA. I hereby adopt that action.

Inquiries regarding the matter shall be directed to Jose Elias, Planning Staff for the Development Service Center, (213) 202-5437



ALETA D. JAMES
Associate Zoning Administrator

ADJ:JE

cc: Councilmember Mike Bonin
Eleventh Council District
Adjacent Property Owners

11:00AM 7/11/16.

MAILING LIST

CASE NO. ZA 2016-1845(CWB)

ADDRESS 6171 West Century Blvd, Suite 180

PLEASE WRITE OR PRINT LEGIBLY AND STAY WITHIN THE BOXES - 1 NAME PER BOX

SAMPLE

John Doe
200 North Spring St., #763
Los Angeles, CA 90012

John Doe 200 North Spring St., #763 Los Angeles, CA 90012		

mailed 9/30/16

SCAN LOG

Case No.: 2A-2016-1845-CUB

Fiscal Year: 17

Document Type	Ext.	# Pages	Scan Date	Scanner
Withdrawal Request Response Letter	WDR			
Termination Letter	TER			
Determination Letter	DT1	19	7/16/17	BS
Letter of Modification	MOD			
Letter of Clarification	CLA			
Letter of Correction	COR			
Appeal Decision Letter	DT2			
Council Action Document /Other Actions/City Council/ Mayor	CAD			
California Coastal Comm. Documents-Index as CAD/Other Actions				
Rec. Lot Line Adjustment	RLA			
Letter of Extension	EXT			

Maps/Plans	Ext.	#Exhibits	Date Scanned/ Scanner	#Revised Ex	Date Scanned/ Scanner	#Signed Off	Date Scanned/ Scanner
Title/Cover Page	TTL						
Plot Plan	PLP						
Site Plan	STP					1	7/16/17 BS
Floor Plan	FLP					1	"
Elevation Plan	ELP						
Equipment Plan	EQP						
Roof Plan	RFP						
Survey	SVY						
Garage Plan	GRG						
Demolition Plan	DEM						
Landscape Plan	LNP						
Irrigation Plan	IRG						
Parking Plan	PRK						
Pictures/Photographs	PIC						
Sign Plan	SNP						
Grading Plan	GRD						
Door/Window Sched.	DWS						
Lighting Plan	LTG						
Tract Map	TTR						
Parcel Map	PRC						
Open Space Plan	OSP						
Private Street Map	PSM						