

conroy

conroycommercial.com



BRAD CONROY
LIC 01328315 | 310.275.3275
brad.conroy@conroycommercial.com

W 3rd Street

FOR LEASE

8054 W 3RD ST

NEW LEASE – Existing *Tasty Noodle House*

Restaurant Fully Built-Out Kitchen

Size: 3,333 SF (86+ Seats)

Corner Location with Extra Large Sidewalk Seating

Beer and Wine License

Rent: \$16,665 plus NNN



Owner/Agent does not guarantee the accuracy of the square footage, lot size or other information concerning the conditions or features of the property provided by other sources. Tenant is advised to independently verify the accuracy of all information through personal inspection and with appropriate professionals.

Property Info

8054 W 3RD ST

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SIZE

3,333 SF (86+ Seats) plus
EXTRA LARGE Sidewalk Seating

ZONING

C2-1

USE

Restaurant
Beer and Wine License

11AM -9:30PM Wed, Fri-Sat, Mon

11AM – 9PM Sun, Tue

AVAILABLE NOW

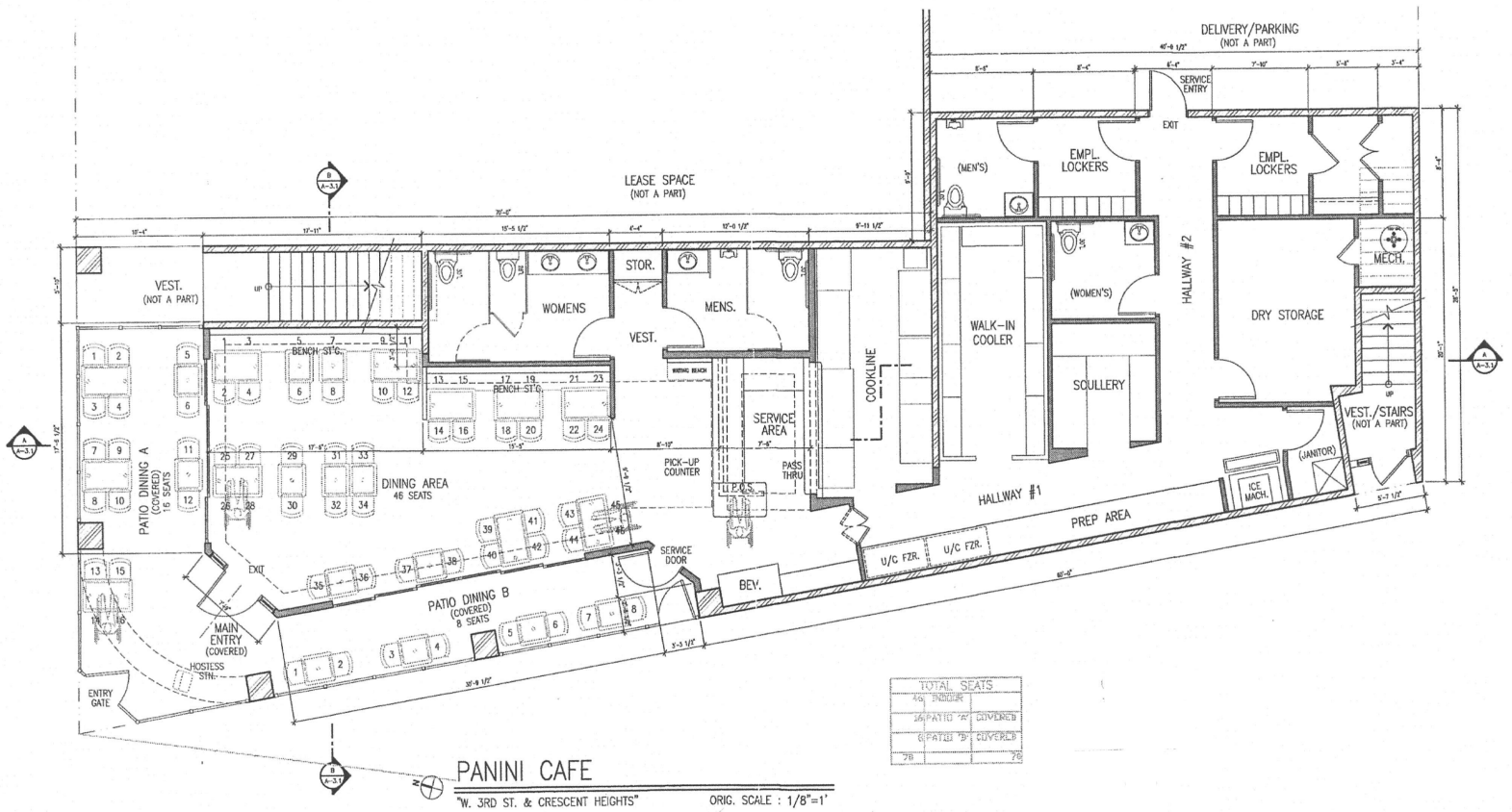


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Floorplan

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8054 W 3RD ST










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Location Overview

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8054 W 3RD ST



1		2		3		4	
5		6		7		8	

Owner/Agent does not guarantee the accuracy of the square footage, lot size or other information concerning the conditions or features of the property provided by other sources. Tenant is advised to independently verify the accuracy of all information through personal inspection and with appropriate professionals.

Equipment List

Restaurant Name: Tasty Noodle House
 Address: 8054 W. 3rd street, Los Angeles, CA 90048

- | | | | | | |
|----|----|-----------------------------------|----|---|-----------------------|
| 1. | 24 | Patio Chairs | 16 | 1 | Beer Server |
| 2. | 6 | Patio Tables | 17 | 1 | Mixer |
| 3 | 15 | Dining Tables | 18 | 1 | Small oven |
| 4 | 36 | chairs | 19 | 1 | 5 Burner Wok Grill |
| 5 | 12 | Chairs (high) | 20 | 1 | Fryer |
| 6 | 3 | High chair (Kid) | 21 | 1 | 6 Burner Grill |
| 7 | 1 | chest (Movable) | 22 | 2 | 2 Burner stove |
| 8 | 3 | plants | 23 | 1 | prep sink |
| 9 | 1 | TV | 24 | 1 | wagon |
| 10 | 1 | wagon | 25 | 4 | Stainless Table |
| 11 | 1 | Hand Sink | 26 | 1 | Rice Warmer |
| 12 | 1 | Boiler | 27 | 1 | wagon |
| 13 | 1 | Ice Box | 28 | 1 | Sandwich Refrigerator |
| 14 | 1 | Sandwich Refrigerator | 29 | 3 | Stainless Table |
| 15 | 1 | 4 door under counter refrigerator | 30 | 1 | Meat slicer |

I agreed the above equipment list.

Seller:

Buyer:

Date:

Date:

Equipment List

Restaurant Name: Tasty Noodle House

Address: 8054 W. 3rd Street, Los Angeles, CA 90048

- | | | | |
|----|---|----------------------|----|
| 1. | 1 | Rice Cooker | 16 |
| 2. | 1 | 3 compartment sink | 17 |
| 3 | 1 | Ice Maker | 18 |
| 4 | 1 | Water heater | 19 |
| 5 | 1 | Dish Washer Machine | 20 |
| 6 | 1 | Monitor System | 21 |
| 7 | 1 | Ladder | 22 |
| 8 | 1 | Freezer | 23 |
| 9 | 5 | Patio Heater (above) | 24 |
| 10 | 4 | Fan (Patio) (Above) | 25 |
| 11 | | | 26 |
| 12 | | | 27 |
| 13 | | | 28 |
| 14 | | | 29 |
| 15 | | | 30 |

I agreed the above equipment list.

Seller:

Buyer:

Date:

Date:

ESTINEH MAILIAN
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
THEODORE L. IRVING
ALETA D. JAMES
FRANKLIN N. QUON
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
DIRECTOR
(213) 978-1271
KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

January 9, 2019

Zheng Yi Pan (A)
Beverly 3rd Street Corp
8045 West 3rd Street
Los Angeles, CA 90048

Brad Conroy (O)
8048-8054 West Third Street II, LLC
5877 West 3rd Street
Los Angeles, CA 90036

Ken Manabe (R)
Sky Line Commercial Real Estate
1305 West Gardena Boulevard, Unit A
Gardena, CA 90247

CASE NO. ZA 2018-3744-CUB
CONDITIONAL USE
8054 West 3rd Street (8048-8054 West
3rd Street, 300 South Crescent Heights
Boulevard)
Wilshire Planning Area
Zone : C2-1VL-O
D. M. : 138B177
C. D. : 5 - Koretz
CEQA : ENV-2018-3745-CE
Legal Description: Lot 10, Block 45, Tract
7555

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

a Conditional Use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with the operation of an existing restaurant;

upon the following additional terms and conditions:

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

4. 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.
5. 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.
6. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing 3,012 square-foot restaurant with a 321 square-foot covered outdoor dining area, subject to the following limitations:
 - a. Indoor seating shall be limited to a maximum 62 seats provided that number of seats does not exceed the maximum allowable occupancy as determined by the Department of Building and Safety.
 - b. Outdoor seating shall be limited to a maximum 24 seats. The final number of seats and their location may be modified by said agency to meet accessibility and exiting requirements.
 - c. The hours of operation for the restaurant including the enclosed patio, shall be limited to 7:00 a.m. to 11:00 p.m., daily.
 - d. 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. A camera surveillance system shall be installed 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 plan must be reviewed and approved by the Police Department. The approved plan will be maintained by the Department of City Planning and be made available to the Police Department and the Department of Building and Safety for the purpose of verification or inspections.
8. **Prior to the effectuation of this grant**, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
9. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.

10. There shall be no live entertainment, disc jockey or karaoke. The playing of individual pieces of music queued by a staff member of the establishment on the computer or a music player shall not be considered a disc jockey.
11. Use of the subject premises classified as Adult Entertainment as defined in Section 12.24-W, 18 or 12.70 of the Los Angeles Municipal Code shall not be permitted.
12. There shall be no dancing permitted in the premises at any time.
13. 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.
14. Applicant shall not require an admission charge or a cover charge, nor there a requirement to purchase a minimum number of drinks or other manner similar to a nightclub or after-hours establishment.
15. There shall be no activity resembling lounge, bar, nigh-club or after-hours establishment.
16. The premises shall not be leased or rented to outside promoters or to any third parties for private parties or special events. The applicant/operator may host private parties or events where a fixed number of customers is predetermined and does not exceed the seating capacity or maximum occupancy approved by the Fire Department. The conduct of the business during any private parties shall be under the direct control of the business owner/operator and restaurant management staff shall be present during private parties. The person responsible for the private party or event shall be provided with a copy of the conditions of this grant and the language below or similar language shall be included in the contract related to any private party or event.
17. The operator/owner shall provide to the Los Angeles Police Department Wilshire Area a schedule of all special events likely to gather large crowds. The schedule shall indicate the expected number of patrons for the event, the hours of the event, the number of security personnel assigned and the person or entity organizing the event. Such information shall be used to prepare for emergency situations and to prevent possible instance of crime or other types of disturbance.
18. Within the first six months of utilizing the grant at this establishment, all employees involved with the sale of beer and wine 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-2018-3744-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.

19. **Complaint Log.** Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
- a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the hostess station

The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. 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 of City Planning. Complaints shall be responded to within 24-hours.

20. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
21. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
22. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted.
23. Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21-A,4(g) and 12.26-E, 1(b). No variance from the parking requirements has been granted herein.
24. 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.
25. 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.

26. Smoking tobacco or any non-tobacco substance including from electronic smoking devices is prohibited in or within 10 feet of any outdoor dining/entrance to the restaurant in accordance with LAMC Section 41.50 B2C.
27. The business operator and or the operator's agents shall comply with California Labor Code Section 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.
28. Trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business shall occur between the hours of 8 a.m. and 10 p.m., daily, to minimize noise impacts on surrounding uses.
29. Deliveries before 8 a.m. shall occur in the front of the building.
30. Trash and recycle bins shall be locked when not in use.
31. Valet services shall be provided until closing. The availability of said services shall be made known to the public via the restaurant menu, a posting of the information readily visible locations and on the restaurant website. Prior to the utilization of this grant, the applicant shall provide a copy of the menu, signs or web page, for inclusion in the case file.
32. Valet service shall not utilize any local streets for the parking of vehicles at any time.
33. Any valet operator on the site shall be required to obtain a valid LAPD Commission Investigation Division (CID) Valet Operator Permit pursuant to LAMC Section 103.203(b) and each valet attendant shall have a valid CID permit along with a valid California Driver License in their possession while on duty.
34. Employees shall park in the on-site spaces or in other commercial spaces to minimize impacts on surrounding residential neighborhoods.

ADMINISTRATIVE CONDITIONS

35. 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.

36. 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 documented evidence be 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 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 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 this public hearing for nuisance abatement/revocation purposes.
37. **MViP – Monitoring Verification and Inspection Program. Prior to the effectuation of this grant,** fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City. At any time 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 the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
38. **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 Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.

39. 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 \$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 (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 **JANUARY 24, 2019**, 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:

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

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

West Los Angeles
 West Los Angeles Development
 Services Center
 1828 Sawtelle Boulevard,
 2nd Floor
 Los Angeles, CA 90025
(310) 231-2598

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on October 24, 2018, 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, irregular-shaped 8,886 square-foot corner parcel of land comprised of two (2) lots with a frontage of 90 feet along the south side of 3rd Street and 115 feet along the east side of Crescent Heights Boulevard. The site abuts a 20-foot wide alley to the rear of the site.

The subject property is located within the boundaries of the Wilshire Community Plan Area. The Community Plan designates the subject property for Neighborhood Office Commercial land uses corresponding to the C1, C1.5, C2, C4, P, CR, RAS3, and RAS4 Zones. The project site is zoned C2-1VL-O, and is thus consistent with the existing land use designation. The predominant land use pattern surrounding the subject property is mainly low- to mid-rise commercial uses on commercial corridors and clusters of interior single-family and multi-family residences. The subject property is also located within a Transit Priority Area in the City of Los Angeles (ZI-2452). There are no other specific plans, overlays, or interim control ordinances pertaining to the project site.

The subject property is currently developed with a one-story retail building and an abutting two-story retail and office building. A total of three (3) on-site parking spaces are provided to the rear of the site with access from the rear alley for all the uses on the site. The subject restaurant occupies a commercial tenant space located at the corner of the street intersection. The restaurant has been operating as Tasty Noodle House since August 2017 and specializes in Shanghai cuisine. The project site was previously authorized for the sale and dispensing of beer and wine for on-site consumption in conjunction with a new restaurant, under Case No. ZA 2012-1600-CUB. The previous approval included a grant term of five (5) years. The subject venue holds a Type 41 California Department of Alcoholic Beverage Control (ABC) license No. 581410, since July 2017 with no active disciplinary actions.

The applicant is requesting a conditional use to permit the sale and dispensing of beer and wine for on-site consumption at an existing 3,012 square-foot restaurant having 62 indoor seats and a 321 square-foot covered outdoor dining area with 24 outdoor seats. Proposed hours of operation are from 7:00 a.m. to 11:00 p.m., daily.

The surrounding area is generally zoned C2-1VL-O and [Q]R3-1-O and is developed with a variety of commercial uses, duplexes, and multi-family residential structures. The property to the north across 3rd Street is zoned C2-1-VL-O and is developed with a four-story office building with ground floor restaurants and retail uses. Properties to the west across Crescent Heights Boulevard are zoned C2-1VL-O and are developed with one- to two-story retail buildings containing a variety of commercial and service uses. Properties to the east abutting the subject property are zoned C2-1VL-O and are developed with one- to two-story retail buildings containing a variety of commercial and service uses. Properties to the south across the alley are zoned [Q]R3-1-O and are developed with duplexes and multi-family residential structures.

Van Nuys Boulevard, adjoining the subject property to the north, is a designated Avenue II, dedicated to a width of 86 feet and improved with asphalt, curb, gutter and sidewalk.

Crescent Heights Boulevard, adjoining the subject property to the west, is a designated Modified Avenue III, dedicated to a varying width of 70 to 80 feet and improved with asphalt, curb, gutter and sidewalk.

An alley adjoining the subject property to the south is dedicated to a right-of-way width of approximately 20 feet and is paved.

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

Subject Property:

Case No. ZA 2014-4609-CUB – On October 7, 2015, the Zoning Administrator approved a Conditional Use Permit to upgrade from beer and wine to a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant with an outdoor patio in the C2-1VL-O Zone, and a Conditional Use Permit to allow operating hours of 11:00 a.m. to 12:00 a.m. Friday and Saturday, in conjunction with a Commercial Corner Development, located at 8048 West 3rd Street.

Case No. ZA 2010-741-CUB-PA1 – On August 15, 2014, the Zoning Administrator approved plans to permit the continued sale and dispensing of beer and wine only for on-site consumption, in conjunction with an existing restaurant, located at 8050 West 3rd Street.

Case No. ZA 2012-1600-CUB – On September 17, 2012, the Zoning Administrator approved a conditional use to permit the sale of beer and wine only for on-site consumption in conjunction with a new restaurant, located at 8054 West 3rd Street and 300 South Crescent Heights Boulevard.

Case No. ZA 2010-741-CUB – On October 14, 2010, the Zoning Administrator approved Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption, in conjunction with a 1,685 square-foot restaurant in the C2-1VL Zone, located at 8050 West 3rd Street.

Certificate of Occupancy No. 64752 – On October 7, 2010, the Department of Building and Safety issued a Certificate of Occupancy to convert an existing two-story bathhouse to a restaurant on the 1st floor and offices on the 2nd floor, to convert an existing retail store on the 1st floor to a restaurant, and a 1st and 2nd story addition to the front of the two-story building. The Certificate of Occupancy indicates that three (3) parking spaces are required and three (3) parking spaces are provided.

Surrounding Properties:

Case No. ZA 2016-228-CUB – On May 23, 2016, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensation of wine for on-site consumption at a wine lounge; and retail wine sales for off-site consumption from the subject site located in the C2-1VL-O Zone, located at 7948 West 3rd Street.

Case No. ZA 2015-786-CUB – On December 14, 2015, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine only for on-site consumption, in conjunction with an existing 1,822 square-foot restaurant in the C2-1VL-O Zone, located at 8030 West 3rd Street.

Case No. ZA 2014-3384-CUB – On June 25, 2015, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption, in conjunction with an existing restaurant in the C2-1VL-O Zone, located at 8136 West 3rd Street.

Case No. ZA 2013-3752-CUB – On March 14, 2014, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with a restaurant in the C2-1VL-O Zone, located at 8022 West 3rd Street.

Case No. ZA 2012-554-CUB – On January 16, 2013, the Zoning Administrator approved a Conditional Use Permit authorizing the upgrade of beer and wine only to a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant in the C2-1VL-O Zone Classification, located at 8222 ½ 3rd Street.

Case No. ZA 2011-2258-CUB – On December 6, 2011, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of for on- and off-site consumption in conjunction with an existing 880 square-foot restaurant/caterer in the C2-1VL-O Zone, located at 8065-8075 West 3rd Street, #100.

Case No. ZA 2010-526-CUB-CUX – On January 14, 2011, the Zoning Administrator approved a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption; a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption that is incidental to operation of the proposed restaurant/pub; and a conditional use to allow patron dancing; all in conjunction with a proposed restaurant/pub, located at 175 South Fairfax Avenue.

Case No. ZA 2010-524-CUB – On January 14, 2011, the Zoning Administrator approved a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for off-site consumption; and a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption incidental to retail sales for beverage sampling; all in conjunction with a proposed grocery/pharmacy retail store, located at 161-169 South Fairfax Avenue.

Public Correspondence

Letter dated October 16, 2018, submitted by Keith Nakata and Mehmet Berker, Co-Chairs of the Planning and Land Use Committee of the Mid City West Community Neighborhood Council, stating support along with the recommended conditions:

- That trash deposit and collection in dumpsters in the rear of the building as well as deliveries to the business occur between the hours of 8:00 a.m. and 10:00 p.m. to minimize noise impacts on the surrounding residential neighbors, with deliveries before 8:00 a.m. to occur in the front of the building.
- That trash and recycle bins be locked.
- That valet service be provided until closing, and that the valet company use an exclusive leased lot or organized shared parking and not in the surrounding residential neighborhoods, and that any change or operator will require a new plan approval.
- That employees park in the on-site spaces or in other commercial spaces to minimize impacts on the surrounding residential neighborhoods.

Letter dated August 26, 2018, submitted by Anthony Oddo, Captain and Commanding Officer of the Wilshire Community Police Station, stating opposition.

Public Hearing

The public hearing was on October 24, 2019 in Room 1020 at City Hall in Downtown Los Angeles. The applicant's representative, Ken Manabe, was in attendance.

Mr. Manabe made the following statements:

- The applicant is requesting the renewal of a beer and wine license.
- The site was purchased one year ago, and the menu has changed from Italian to Shanghai cuisine. The previous operator, Panini Grill, had a CUB grant.
- The restaurant will be serving Asian noodles, and has five other locations. Most serve beer and wine.
- The site is located on 3rd Street and the use will be beneficial to the surrounding area.
- Except for residential uses, there are no other sensitive uses within 1,000 feet of the site.
- There are three parking spaces on-site. Valet parking is arranged from 11 a.m. to 10 p.m.
- The previous CUB for Panini Grill had a five year term. The applicant is not requesting any changes. There will be no structural changes.
- The patio is within the property line.
- The project was presented before the Mid City West Neighborhood Council, who recommended special standard conditions. The applicant has accepted the recommended conditions from the neighborhood council.

There were no speakers present, and no public testimony.

At the conclusion of the public hearing, the Associate Zoning Administrator stated he would approve the project with the recommended conditions by the 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.)

- 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.
- No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
- Applicant shall not require an admission charge or a cover charge, nor there a requirement to purchase a minimum number of drinks or other manner similar to a nightclub or after-hours establishment.
- There shall be no happy hours during which time beverages are sold at discounted prices.
- No alcoholic beverages shall be consumed on any property adjacent to the licensed premises.
- Any alcoholic beverage sold or dispensed for consideration shall strictly be for consumption on the premises and shall not be allowed to carry off the 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 beer and wine 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 conditional use will allow a neighborhood serving restaurant sell and dispense beer and wine for or on-site consumption. The restaurant is an existing 3,012 square-foot restaurant having 62 indoor seats and a 321 square-foot covered outdoor dining area with 24 outdoor seats. The subject restaurant is located at the intersection of 3rd Street and Crescent Heights Boulevard.

The restaurant has been operating as Tasty Noodle House since August 2017 and specializes in Shanghai cuisine. The project site was previously authorized for the sale and dispensing of beer and wine for on-site consumption in conjunction with a new restaurant, under Case No. ZA 2012-1600-CUB. The previous approval included a grant term of five (5) years. The subject venue holds a Type 41 California Department of Alcoholic Beverage Control (ABC) license No. 581410, since July 2017 with no active disciplinary actions.

The sale and dispensing of beer and wine in conjunction with the existing restaurant will increase the economic vitality of the area by furthering the continued operations and viability of the business. In addition, the project will enable the restaurant to provide an enjoyable dining experience in the form of beer and wine complementing the foods sold. The property is part of a major commercial shopping and dining hub, and the project will contribute to the continued success of the neighborhood as such and provide an additional service benefitting the large number of residents, workers, and visitors to the area. The restaurant will offer a viable dining option to many in the community. Thus, the project will provide a beneficial service and amenity for the community. The imposition of a number of conditions addressing operational and alcohol-related issues will ensure that the project will be compatible 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 conditional use to permit the sale and dispensing of beer and wine for on-site consumption at an existing 3,012 square-foot restaurant having 62 indoor seats and a 321 square-foot covered outdoor dining area with 24 outdoor seats, would not degrade adjacent properties. Proposed hours of operation are from 7:00 a.m. to 11:00 p.m., daily.

The restaurant has been operating as Tasty Noodle House since August 2017 and specializes in Shanghai cuisine. The project site was previously authorized for the sale and dispensing of beer and wine for on-site consumption in conjunction with a new restaurant, under Case No. ZA 2012-1600-CUB. The previous approval included a grant term of five (5) years. The subject venue holds a Type 41 California Department of Alcoholic Beverage Control (ABC) license No. 581410, since July 2017 with no active disciplinary actions.

The restaurant offers three on-site parking spaces in addition to valet services from 10 a.m. to 11 p.m., daily. The grant includes conditions that protect residential areas from the valet operation, including no parking on local streets, and utilizing a licensed valet operator. In addition, to make aware of the availability of valet parking, the applicant will be required to post such information on their webpage, menus, and signs.

The location is well suited for restaurants that offer the sale of beer and wine, as it promotes livability and convenience for residents and employees and furthers community and economic development in the Mid City West area. The sale of beer and wine for on-site consumption in conjunction with the existing restaurant will be secondary to the service of food. The Zoning Administrator has imposed a number of conditions addressing alcohol-related issues that will safeguard public welfare and enhance public convenience. Such include the requirement to install a camera surveillance system, and the requirement for employees to receive training through LAPD's Standardized Training for Alcohol Retailers Program (STAR) for the sale and service of beer and wine, and other conditions such as loitering, litter, noise, and graffiti removal to protect the neighborhood. Additionally, concerns of noise are also addressed through the restricted hours of trash deposit and collection, locked trash bins, and deliveries before 8 a.m. to be from the front of the restaurant. Based on the existing surrounding uses which are primarily commercial, the location of a restaurant serving beer and wine is appropriate given the surrounding uses and the character of development of the community.

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

The elements in the General Plan establish policies and provide the regulatory environment for managing the city and for addressing concerns and issues. The majority of the policies derived from the elements in the General Plan are in the form of Code Requirements, which collectively form the LAMC. With the exception of the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The subject property is located within the boundaries of the Wilshire Community Plan Area. The Community Plan designates the subject property for Neighborhood Office Commercial land uses corresponding to the C1, C1.5, C2, C4, P, CR, RAS3, and RAS4 Zones. The project site is zoned C2-1VL-O, and is thus consistent with the existing land use designation. The restaurant use and the sale and dispensing of beer and wine are consistent with this zone and land use designation.

Additionally, the project is consistent with the following goal and objective of the Community Plan:

GOAL 2: "AN ECONOMICALLY VITAL COMMERCIAL SECTOR AND STRONG VIABLE COMMERCIAL AREAS THAT OFFER A DIVERSITY OF GOODS AND SERVICES TO MEET THE NEEDS OF THE COMMUNITY IN THE PLAN AREA. COMMERCIAL AREAS SHOULD SATISFY MARKET DEMAND, MAXIMIZE CONVENIENCE AND ACCESSIBILITY WHILE

PRESERVING AND ENHANCING THE UNIQUE HISTORIC AND CULTURAL IDENTITIES OF THE DISTRICT.”

Objective 2-1: “Conserve and strengthen viable commercial development...”

By enabling the sales of beer and wine to continue at the site but for a new operator, the project furthers the function of 3rd Street as a commercial corridor consisting of neighborhood commercial services in the community. The existing restaurant is an established commercial operation, and the sale of beer and wine supports the continued operation of the restaurant and the vitality of the entire neighborhood. Additionally, the project is surrounded by many other compatible and complementary uses. The project follows an established pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding area, which include retail, offices, and other restaurants. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan.

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

Conditional authorization for the sale of beer and wine for on-site consumption is allowed through the approval of the Zoning Administrator, subject to required findings. Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the sale of beer and wine for on-site consumption.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Additionally, other conditions related to excessive noise, noise prevention, and litter will safeguard the residential community. Therefore, with the imposition of such conditions, the sale and dispensing of beer and wine at this location will not adversely affect the welfare of the surrounding community.

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

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, two on-site and one off-site consumption licenses are allocated to the subject census tract (Census Tract 2146). Currently, there are 21 active on-site licenses and three active off-site licenses total in this census tract.

The subject venue holds a Type 41 California Department of Alcoholic Beverage Control (ABC) license No. 581410, since July 2017 with no active disciplinary actions. Therefore, the subject request will not be adding an additional Type 41 ABC License to the census tract.

According to statistics provided by the Los Angeles Police Department's Wilshire Division Vice Unit, within Crime Reporting District No. 723 which has jurisdiction over the subject property, a total of 128 crimes were reported in 2017, including 107 Part I and 21 Part II crimes, compared to the Citywide average of 191 crimes and the High Crime Reporting District average of 229 crimes for the same reporting period. Alcohol-related Part II crimes reported include Narcotics (4), Liquor Laws (0), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), DUI-related (1), and Miscellaneous Other Violations (11). 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 project will not adversely affect public welfare because the restaurant is a desirable use in an area designated for commercial uses. The crime rate in the subject Crime Reporting District is lower than the Citywide average, and the sale and dispensing of beer and wine at one restaurant establishment incidental to food service is not expected to have a significant impact. Additionally, the project is a continuation of an existing and established use. In this case, the project will provide both a convenience and a unique amenity to workers, visitors, and residents 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 following sensitive uses are located within 1,000 feet of the project site:

- Single-Family and Multi-Family Residential Uses

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. While the restaurant is located in proximity to these sensitive uses, the grant has been conditioned with operating conditions

that will regulate the proposed on-site sales and dispensing of beer and wine in a responsible manner within the premise. The sale of alcoholic beverages is ancillary to the sale of food and will not detrimentally affect neighboring sensitive uses. The sale of beer and wine will be in a controlled environment within the restaurant by trained employees and subject operational measures. Thus, the proposed use will not detrimentally affect sensitive uses within proximity of the subject site.

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 flooding.

8. DETERMINED based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 5, Category 34, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Inquiries regarding this matter shall be directed to Joann Lim, Planning Staff for the Department of City Planning at (213) 978-1341.

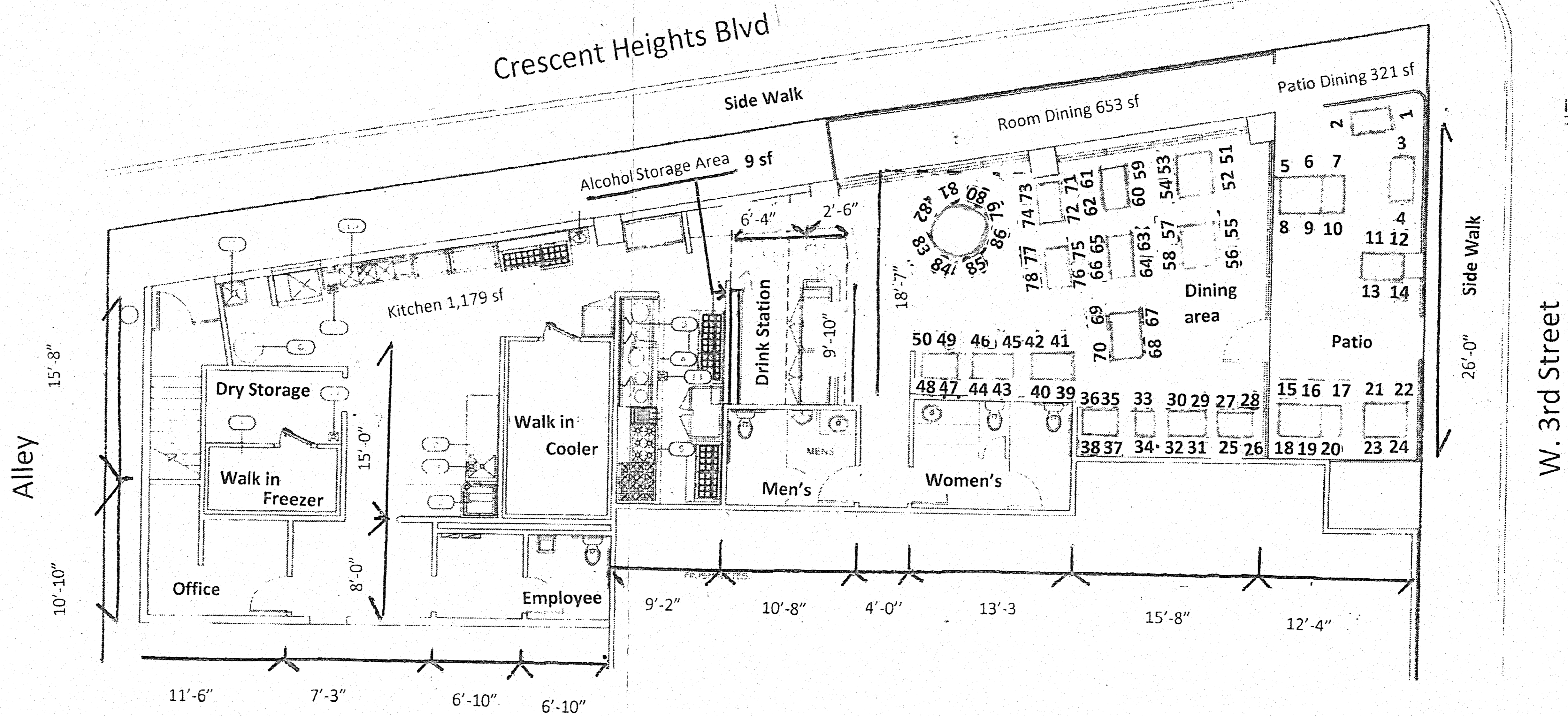


HENRY OHU
Associate Zoning Administrator

HC:JL:bk

cc: Councilmember Koretz
Fifth District
Adjoining Property Owners

Floor Plan
1" = 10'6"



8054 W 3rd Street
Los Angeles, CA 90048

Legal : Lot 10 and 11 in Block 45 of Tract No. 7555

3,333 Square feet (Inside) 62 seats (No. 25 – 86)

(Patio) 24 seats (No. 1-24)

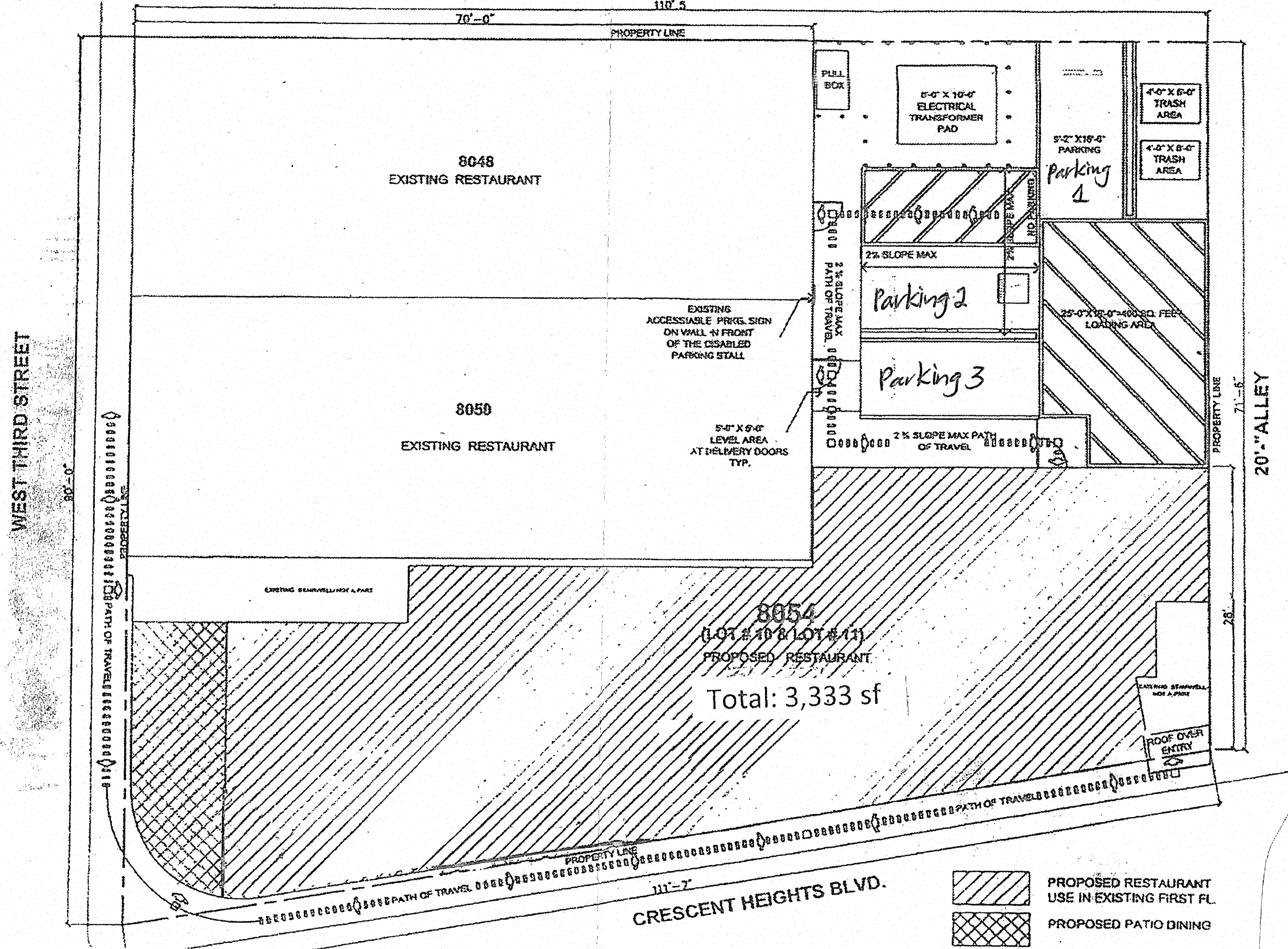
(Total) 86 seats (No. 1 -86)


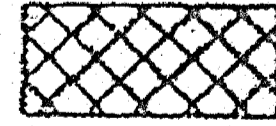
Total square footage 3,012 sf

Covered/Out door Dining are 321 sf

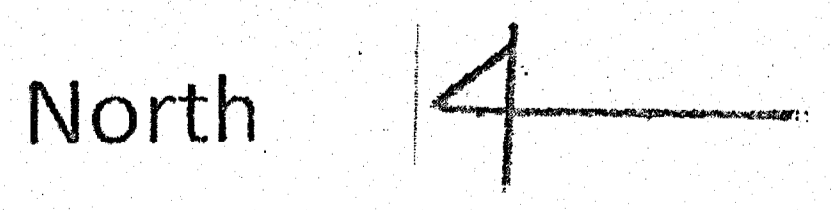
PLANS APPROVED
as required by
Case No. ZA 2018 3744-48
Matthew B...
DEPARTMENT OF CITY PLANNING
CITY OF LOS ANGELES
Signature
Date 5-2-2019

Plot Plan
1" = 12' 5"



 PROPOSED RESTAURANT USE IN EXISTING FIRST FL.
 PROPOSED PATIO DINING

PLANS APPROVED
 as required by
 Case No. 7A2018-3744-CUB
 Matthew Gum
 DEPARTMENT OF CITY PLANNING
 CITY OF LOS ANGELES
 Date: 5-2-2019



Interior Seats 62
 Outdoor patio seats 24
 8054 W. 3rd Street
 Los Angeles, CA 90048

Legal: Lot 10 and 11 in Block 45 of Tract No. 7555

Parking space - provided
 3 parking space