

## FINDINGS and JUSTIFICATIONS for CUB:

L'Scorpion Bar and Restaurant

6679 West Hollywood Blvd LA CA 90042

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 applicant is requesting a conditional use to allow for the continued sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 1,860 square-foot restaurant (L'Scorpion). The restaurant has 59 interior seats and hours of operation from 11 a.m. to 2 a.m. daily. L'Scorpion has operated at the subject location since 2004. The applicant's conditional use permit lapsed in February of 2008 resulting in the operator being cited by LADBS. A representative from LAPD's Vice Division stated the only issue they have had was the expired conditional use permit. The Police Department was not opposed to the request as long as the prior conditions are imposed. The conditions relating to the sale and service of alcoholic beverages are recommended above for the consideration of ABC when the license is renewed. The other conditions recommended by LAPD regarding no cover charge, no dancing and live entertainment, and no pole dancing have been incorporated herein along with numerous other conditions to ensure that the restaurant operates in a manner that enhances the surrounding neighborhood. The restaurant serves area residents and tourists and the sale of alcoholic beverages incidental to food service is offered as an amenity to the patrons. As conditioned, the continued sale of a full line of alcoholic beverages for on-site consumption will provide a beneficial service to the Hollywood 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.

There are no proposed changes to the restaurant's location, size, height, operation or any other significant features. The adjacent properties are all zoned C4-2D-SN and developed with a mixture of restaurant, bar and retail uses. L'Scorpion has operated in a

compatible manner with these uses for nine years. As noted above, the prior conditions of approval have been incorporated to ensure that the restaurant continues to operate in a manner that is compatible with and does not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare and safety.

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

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 as delineated by CASE NO. ZA 201 3-1 335(CUB) PAGE 11 derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code. Except for the entitlement 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 Hollywood Community Plan designates the property for Regional Center Commercial land uses with the corresponding zones of C2, C4, RAS4, R5, P and PB. The property is not located within a Specific Plan area.

The Hollywood Community Plan Goal L.U.2 encourages a range of employment opportunities in Regional Centers located near transit. - The grant of the conditional use to allow the continued sale of alcoholic beverages at a restaurant is consistent with Objective 7.3 of the Framework Element which states "maintain and enhance the existing businesses in the City" as well as Policy 7.3.2 which states "retain existing neighborhood commercial activities within walking distance of residential areas." The restaurant is located on a commercial corridor within walking distance of residential areas. In light of the above, the project substantially conforms to the purpose, intent and provisions of the General Plan and the Hollywood Community Plan.

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

No evidence was submitted for the record demonstrating that the continued sale of a full line of alcoholic beverages for on-site

consumption at the restaurant will adversely affect the welfare of the surrounding community.

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 State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 2 on-site and 1 off-site licenses are authorized to Census Tract No. 1902.02. There are currently 20 on-site and 2 off-site licenses in this census tract. The applicant has an active ABC license (No. 502894) and no active disciplinary history is noted.

Statistics from the Los Angeles Police Department reveal that in Crime Reporting District 636, which has jurisdiction over the subject property, a total of 1,148 Part I crimes and Part II arrests were reported in 2012. The citywide average for 2012 was 146 Part I crimes and Part II arrests, while the high crime reporting district average

CASE NO. ZA 201 3-1 335(CUB) PAGE 12 was 176. The restaurant is located in an area of high crime where there are a number of alcohol-serving establishments. The applicant met with LAPD and agreed to continue the conditions from the prior grant. These conditions, such as no cover charge, dancing, or live entertainment prohibit the restaurant from evolving into a night club which would drain LAPD's limited resources. The conditions require that a plan approval be filed if there is a change of operator to evaluate the mode and character and to allow for additional LAPD review. The granting of the conditional use will not result in an undue concentration of ABC licenses in the area as a new license is not required.

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 a number of sensitive uses in the area, including churches, schools, and multi-family residences. There was no testimony or letters submitted by anyone in opposition to the continued sale of alcoholic beverages. The applicant met with the Hollywood Hills West Neighborhood Council, and their Board voted in support of the conditional use. The operation of the restaurant with incidental sales of alcohol has not detrimentally affected nearby sensitive uses.

#### ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

8. On July 11, 2013, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference ENV-2013-1336-CE, for a Categorical Exemption, Class 5, Category 34, Section 1, State EIR Guidelines, Section 15100. 1 hereby adopts that action.