PPRP #15-0018

Eva R. Vega

INTRADEPARTMENTAL CORRESPONDENCE

March 6, 2015
1.0

TO: The Honorable Police Permit Review Panel

FROM: Commanding Officer, Commission Investigation Division

SUBJECT: REVIEW AND CONSIDERATION OF THE GRANTING OF A POLICE COMMISSION PERMIT
PERMIT TYPE: Cafe Entertainment/Show
APPLICANT: REGENT THEATRE DTLA LLC
LOCATION: 446 S MAIN ST
PERMIT NO.: 000277003600019P519

DBA: The Regent Theater

The permit application and various supporting documentation for the above-mentioned applicant were reviewed by staff of the Commission Investigation Division. The investigation performed as part of the application process revealed that:

- The application conforms to the written application requirements for police permits outlined in Los Angeles Municipal Code section 103.02.1.
- The Police Permit Review Panel may issue this permit pursuant to Los Angeles Municipal Code section 103.102, which regulates the Cafe Entertainment/Show permit.
- No criminal history for the Applicant that should prohibit granting of the permit existed in the California Department of Justice records at the time of investigation.
- No adverse Police Commission permit or disciplinary history was found.
- The Department of Building and Safety has deemed that the business is a permitted use at the location.
- Notice of Application was sent to the appropriate Council District Office and Neighborhood Council. No objections received
- Notice of Application was sent to the appropriate geographic police division. No objections received
- Public input: None

It is recommended that the Panel approve the Applicant's permit application.

CHRIS WATERS, Lieutenant II
Commanding Officer
Commission Investigation Division

Attachments

Note: $ Check attached 32.00

Type of Permit CES

Date Of Application 08 20 14 (MONTH DAY YEAR)

City of Los Angeles
Board of Police Commissioners
Application for Police Commission Permit

Date Granted (MONTH DAY YEAR)

Account Number 2770236020 - 19

Police Commission Number

Certificate of Occupancy Issued (MONTH DAY YEAR)

Type of APR

Police Area 01

Fingerprints YES NO

Fee $

Zoning Approved (MONTH DAY YEAR)

ABOVE FOR OFFICE USE ONLY CD14

RECEIVED

AUG 20 2014

PERMIT PROCESSING SE

A — APPLICANT INFORMATION

Please type or print legibly

Legal Name of Applicant: Regent Theatre DTLA, LLC		
Name and title of person submitting application: Dafne Gokcen, Consultant	Type of Business Entity: ☐ Sole Proprietor ☐ Partnership ☐ Corporation ☒ Other LLC	
Business Name (Doing Business As): The Regent Theater		
Business Address: 446-450 S Main St.	City & State: Los Angeles, CA	ZIP: 90013
Business Mailing Address (Where All Notices Will Be Mailed): 527 W 7th St. #607	City & State: Los Angeles, CA	ZIP: 90014

B — NATURE OF BUSINESS

Please indicate "Yes" or "No" to the following questions, and place your initials in the box provided

1. Do the owners, managers, employees, or entertainers of this business provide sexually oriented materials, products, services or merchandise as defined by Los Angeles Municipal Code Section 103.01?

   Please write Yes or No in the box provided No *Initials*

2. Do the owners, managers, employees, entertainers, or patrons of this business permit or engage in specified sexual activities at the business as defined by Los Angeles Municipal Code Section 103.01?

   Please write Yes or No in the box provided No *Initials*

3. Does this business possess or is it in the process of obtaining an Alcohol Beverage Control (ABC) License?

   Please write Yes or No in the box provided Yes *Initials*

ALL CORPORATE OFFICERS, GENERAL PARTNERS, AND OTHER PERSON(S) WITH GREATER THAN 5% FINANCIAL INTEREST IN THE BUSINESS MUST COMPLETE SECTIONS C & D.

THIS APPLICATION IS *NOT* COMPLETE UNTIL ALL QUESTIONS ARE ANSWERED, ALL INITIALS, AND SIGNATURES ARE OBTAINED, AND ALL DOCUMENTS REQUIRED ON GEN. FORM 195-I (REV. 7-04) ARE SUBMITTED.

NAME: None
LOC: None

Zoning

FORM: Zoning and Use Clearance for Police Permit

LOS ANGELES POLICE COMMISSION—POLICE PERMITS
100 W. FIRST ST., #147
LOS ANGELES, CA 90012 (213) 996-1210

SEE INSTRUCTIONS (Police Permits, General). The Police Department cannot issue a permit for business activity which is not allowed at a location. This form must be signed off at an office of the Department of Building and Safety. This form is not complete until all required signatures are obtained (on this form), all Questions are answered, and documents on required document list are submitted.

1. Enter type of police permit (1). Use one form for each permit type. (If applying for three permits, use three forms.)
2. Enter address (2).
3. Go to one of the following Building and Safety offices to have this form signed off.
   - DOWNTOWN: 201 N. Figueroa St. (First floor) 90012
   - *SAN PEDRO: 638 S. Beacon St. (Room 276) 90731
   - VAN NUYS: 6262 Van Nuys Bl. (Room 251) 91401

Counter Hours:
Mon., Tues., Thur., Fri. 7:30—4:30
Wed. 9:00—4:30
*San Pedro office is closed between Noon and 1pm daily.

Your visit to the Department of Building and Safety is your chance to ask questions related to zoning.

4. Make sure that Building and Safety staff:
   - SIGNS the form.
   - DATES the form for the date it is signed off.
   - STAMPS the form.

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(1) Type of Police Permit: Cafe Entertainment Show	LADBS Use: Restaurant / Theater	ABC: Live Entertainment	
(2) Address of Business: 446-450 S Main			Streets
Between: Winston Street	And: 5th Street		
Legal Description			
Lot: 17	Blk: C	Tract: Rivera and Vignolo Tract	Dist. Map No.: 129 A 211

Zone: [Q] C4-2D

Business Shown [X] Is A Permitted Use. [ ] Is Not

Comment: 12016-10000-11274

Signature: Eric Cabrera

Print Name: ERIC CABRERA

[Q] Conditions: 08/12/2014 N/A

City Planning Steve Kim

Business Shown [X] Is [ ] Is Not A Permitted Use by the Occupancy Record**

Comment: 12016-10000-11274 issued for theater, restaurant and live entertainment

Signature: Eric Cabrera

Print Name: ERIC CABRERA

Phone Number: 2134820077

08/12/2014

Department of Building & Safety
Metro Zoning Counter
201 N. Figueroa Street
Los Angeles, CA 90012

City of Los Angeles
Department of Building & Safety
Metro Zoning Counter
201 N. Figueroa Street
Los Angeles, CA 90012

** APPLICANT NOTE—There may be additional Building and Safety or Zoning requirements applicable to the business.

Conditional Use Permit Required [X] Yes [ ] No CUP Issued ZA No. ZA-2012-0377

Had use been vacated greater than one year? [ ] Yes [ ] No

Remarks: (Incidental Use, Auxiliary Use) — Planning

Common Errors:
- Form not signed, dated, stamped by Department of Building and Safety.
- Form is altered. No altered forms (white-out, erasures, etc.) will be accepted.
- Form not accompanied by complete copy of Conditional Use Permit with conditions, if one exists.
- Address does not match actual business location.
- Address on this form does not match the address on the other forms for the Police Permit.

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS
F. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH JR
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES

CALIFORNIA

ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF CITY PLANNING
MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334
www.planning.lacity.org

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AUG 20 2014
PERMIT PROCESSING SECTION

November 28, 2012

The Regent Theater, DTLA LLC (A)
527 West 7th Street, # 607
Los Angeles, CA 90014

Morton Wexler LP (O)
4580 East 49th Street
Los Angeles, CA 90058

Eddie Navarrette (R)
FE Design
943 North Broadway #204
Los Angeles, CA 90012

CASE NO. ZA 2012-0377(CUB)(CUX)(ZV)
CONDITIONAL USE/ZONE VARIANCE
446 South Main Street
Central City Planning Area
Zone : [Q]C4-2D
D. M. : 129A211
C. D. : 14
CEQA : ENV 2012-0378-MND
Legal Description: Lots 16-17, Arb1, Block C, Rivara and Vignolo Tract

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

a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a ground floor restaurant with a mezzanine and a separate bar/lounge and in a ground floor theater with a mezzanine in the C2-4D Zone; and

Pursuant to Los Angeles Municipal Code Section 12.24-W,18(a), I hereby APPROVE:

a Conditional Use to permit the operation of live entertainment and dancing in the ground floor theater; and

Pursuant to Los Angeles Municipal Code Section 12.27-B, I hereby APPROVE:

a) a Variance from Section 12.26-E to permit two required parking spaces to be located off-site by lease in lieu of covenant; and

b) a Variance from Section 12.16-A to permit four video games in the [Q]C4-2D Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning's Development Services Center, the Fire Department, and the Department of Building and Safety for purposes of having a building permit issued.

6 The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

7. The subject request is to allow a full line of alcoholic beverages in conjunction with a restaurant and theater approximately 11,790 square feet in size and accommodating approximately 1,291 patrons and having live entertainment with incidental patron dancing. Proposed occupancy in each area is as follows:

- 42 seated patrons in a 1,114 square foot restaurant area;
- 20 seated patrons in a total of 317 square feet of patio space connected to the restaurant and located in the public way;
- 29 seated patrons in a 670 square foot bar/lounge area;
- 844 standing patrons or 412 seated patrons in a 4,218 square foot ground floor theater area; and
- 356 standing patrons or 147 seated patrons in a 1,780 square foot balcony area attached to the theater.

8 Any music, sound or noise emitted that is under the control of the petitioner(s) shall not violate Section 116.01 of the LAMC. Amplified music or any other form of entertainment shall not be audible beyond that part of the structure which is under the control of the applicant. All outside personnel associated with music performances both amplified and acoustical shall be apprised of the City's noise regulations and required to comply. The venue shall implement the Sound Mitigation Plan submitted with the application by VSA and Associates, Inc. As detailed in the Plan, doors shall be provided with sound seals, vestibules shall be

provided with sound absorptive ceilings, ceilings of theater and restaurant shall be provided with sound/acoustic material as shown and sound absorption material shall be placed on the walls of the theater. A copy of the report shall be given to the Department of City Planning's Construction Services Center for their sign off on conditions as well as to the Department of Building and Safety for their approval of the building permit.

9. Permitted use of the main theater areas when alcoholic beverages are sold and consumed on-site include, but are not limited to concerts, film "shoots", religious assemblies, film presentations, private screenings, private parties, weddings, nonprofit events, seminars, band rehearsals, fashion shows, plays, and musicals.

10. Hours of operation for the main restaurant areas shall be from 9:00 a.m. to 4:00 a.m. daily with alcohol sales between 9:00 a.m. and 1:30 a.m. and alcohol consumption ending at 2:00 a.m.

11. Show hours in the Ground Floor Theater and Balcony areas shall be limited to 12:00 noon to 4:00 a.m. daily with alcohol sales between 12:00 noon and 1:30 a.m. and alcohol consumption ending at 2:00 a.m.

12. Any use of the property for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public shall be subject to the same provisions and hours of operation unless further restricted by the LAPD.

13. After hour's use of the venue by outside promoters shall only be permitted as co-produced events with the applicant. However, the venue shall retain the services of a full time employee responsible for special events and bookings. It will be the sole responsibility of the venue, not the promoter(s) to book patrons at the location.

14. No after hour's use of the establishment after 4:00 a.m. shall be permitted including but not limited to private events or promotional events, excluding any activities which are issued film permits by the City. In no event, may alcohol be sold or consumed after 2:00 a.m.

15. Hours of operation for the outdoor patio area shall be from 9:00 a.m. to 2:00 a.m. daily with alcohol sales between 9:00 a.m. and 1:30 a.m. and alcohol consumption ending at 2:00 a.m.

    a. An employee of the establishment will be present at all times when alcohol is being consumed in the patio;
    b. Establishment design shall incorporate clear visibility of the patio from the interior;
    c. Sufficient night lighting will be installed to avoid any unilluminated areas;
    d. Security cameras shall be installed in such a manner as to cover all activities on the patios. A 30-day library shall be kept;
    e. The patio areas will be designated by a 42 inch high iron railing; and

f. The patios shall have signs posted on the entrances and exits, including signage reminding patrons to be quiet upon exiting the building (e.g., "Please be quiet upon your departure... Shhhhhhh".)

16. Dancing shall be limited to a 1,300 square foot dance floor on the ground floor of the theater.

17. Dancing shall not occur until the appropriate permit is issued from the Los Angeles Police Commission as well as approval from the Central Area, Vice Unit.

18. A Photo Booth and four or fewer arcade games (similar to *Galaga* and *Pacman*) will be placed in the main restaurant dining and bar/lounge area only. The location of these games shall be monitored by restaurant staff at all times.

19. No pool or billiard table may be maintained on the premises.

20. There shall be no adult or topless entertainment of any type pursuant to Section 12.70 of the Los Angeles Municipal Code. There shall be no karaoke within either the restaurant or the adjacent lounge.

21. Electronic age verification device(s) which can be used to determine the age of individuals attempting to purchase alcoholic beverages or tobacco products shall be installed on the premise at each point-of-sale location. These device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of alcoholic beverage or tobacco products.

22. The exterior doors shall be kept closed at all times while the establishment is being used, except in the case of emergency, deliveries and normal passage of patrons when gaining admittance or exiting the location.

23. Delivery, trash pickups and disposal of restaurant waste, including the disposal of bottles, shall occur only between the hours of 8:00 a.m. and 9:00 p.m. Monday through Friday, and between the hours of 9:00 a.m. and 9:00 p.m. Saturday and Sunday.

24. The sale of alcoholic beverages for off-site consumption is prohibited.

25. Discounted prices shall be offered for food orders when alcoholic beverages are sold at discounted prices between the hours 4:00 p.m. and 7:00 p.m.

26. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility. No enclosed room, other than restrooms, intended for use by patrons or customers is permitted. No enclosed customer booths shall be permitted. If booths exist and are separated by a partition and/or curtain or other opaque or semi-opaque material, said booths shall be completely open on one side.

27. Signs shall be prominently posted as well as at each entrance in English stating that California State law prohibits the sale of alcoholic beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility. Said signs shall be in English, Spanish and any other predominant language of the facility's clientele..

28. A sign shall be located at the box office area indicating the name and phone number of a responsible person to be contacted in the event the operation of the facility is causing concerns or problems to the surrounding neighborhood. The phone number shall connect directly to the responsible person and not to an answering machine.

29. Exterior lighting shall be directed onto the property and shielded such that the light source is not visible from the adjacent properties.

30. Adequate lighting shall be installed in all area within the business in conformance with the LAMC. The lighting shall be such that it renders all objects and persons clearly visible.

31. Valet service shall be offered at all times when the theater is in use or a special event is scheduled.

32. Any valet company utilized by the restaurant shall operate within the confines of the applicant's parking plan and will take steps to keep the noise related to pick up and drop off of vehicles to a minimal level and be in conformance with the applicants parking plan. Rules required of the valet shall include, but need not be limited to: no excessive slamming of car doors, no excessive loud revving of engines, no use of radios or other amplified music by the valets, no whistling or yelling to each other in the performance of their duties, and good faith efforts shall be made to avoid the setting off of car alarms.

33. The Applicant(s) shall maintain on the premises and present upon request to any law enforcement officer, a copy of the Business Permit, Insurance information and a valid emergency contact phone number for the Valet service(s) used by Petitioner(s).

34. Conditions of this grant shall be posted in the office on the premises at all times and shall be made immediately available upon request of any Los Angeles Police Officer(s) or ABC Investigator(s). The manager and all employees shall be knowledgeable of the conditions herein. A clearly legible and easily readable copy of these conditions shall be posted in a conspicuous location in a well-lit portion of the entry area where it can be easily and readily read by customers and employees.

35. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages, all personnel acting in the capacity of a manager and all security personnel shall enroll in the Los Angeles Police Department A Standardized Training for Alcohol Retailers (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a

copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.

36. The applicant, owner, operator and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal, criminal and nuisance activity on the subject premises and any accessory parking areas which have been made available or are commonly utilized for patron parking.

37. Any future operator of the subject establishment must file a new Plan Approval in conformance with LAMC 12.24-W,1 to allow the appropriate governing bodies to review the "mode and character" of the usage.

38. No pay phone will be maintained on the exterior of the premise.

39. The applicant shall install and maintain security cameras that cover all common areas of the interior of the building including the restaurant, bar/lounge and theater, entrances and exits. A minimum of four weeks' worth of video coverage shall be maintained over all common areas of such business. The tapes shall be made available to the Police Department upon request.

40. The business operator shall provide a monthly advance calendar of events to the Los Angeles Police Department, Central Vice identifying the contract number of patrons indicated for each event, the hours the facility is to be used, and the person or entity hosting the event as well as the deployment of security for the event.

41. The primary use of the theater venue shall be in accordance with the design, function and intent of the theater. No live acts or entertainment known to draw raucous or violent crowds will be permitted.

42. A Security Plan shall be submitted to the LAPD for approval prior to the utilization of this grant. The security plan shall be formulated by the operator and a bonafide security consultant or agency capable of evaluating and making recommendations on security deployment, enforcement and proper pre-emptive tactics and techniques meant to discourage over-consumption of alcohol as well as control of hostile or combative patrons. This evaluator shall meet with concerned LAPD personnel in order to help draft proper security plans and to seek approval. At a minimum the considerations shall be addressed within the Security Plan, the selection criteria of qualified and experienced security personnel, the type of guard uniform and identification, location and deployment of security guards, criteria for the hiring of a security guard supervisor, the training required for security guards and additional hours of security patrol as requested by the LAPD, the drug awareness policy to follow when drug use is detected and patrons are detained, effective and non-disruptive manner to move patrons out from the establishment and disperse them without blocking streets or loitering next to the facility before and after closing, development of a management plan to preclude public drinking by patrons waiting to enter and development of a plan with the review and approval of the LAPD, depicting where patrons will line up to enter the premises, how patrons will be kept

in an orderly line and how many security guards will be assigned to monitor the patrons. A copy of said security plan shall be submitted to the Zoning Administrator for attachment to the file and signed by the LAPD prior to the opening of the venue.

43. Petitioners shall regularly police the area under their control in an effort to prevent the loitering of persons about the premises.

44. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premise, not shall the licensee provide, permit or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.

45. State-licensed security guards shall patrol the property during all show hours. Guards will wear appropriate Security attire - black shirts labeled "Regent Security" on the front pocket and in large letters on the back of the shirt. If a jacket is necessary, the Jacket will be printed with "Security" in large letters. The guards shall conduct no activities while employed at this location other than those of a security guard, which includes checking identification and escorting undesirable patrons off the premises. This condition shall not prohibit security from cleaning spills that may result in a hazardous situation. The guards shall be responsible for preventing loitering and any criminal activity on the property. The guards shall request the assistance of the LAPD if, based upon their training, the situation so warrants.

46. Unless changed by the LAPD in their review of the Security Plan required by Condition No. 42, during the hours of operation, the operators shall provide security at a minimum of one security staff person per 75 patrons. However, during usage of the theater, the security ratio shall be one security staff per 50 patrons. 10% of the security staff shall be female security officers.

47. Said security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card.

48. The operator shall meet quarterly with the LAPD to discuss operational issues as well as compliance with the approved conditions. At such meetings LAPD shall be provided with internal security logs of events, incidents, evictions and operational issues. In the event that LAPD is not able to meet each quarter, it is the responsibility of the operator to provide all logs to the LAPD. The City Council Office may also be invited to these meetings.

49. All security personnel shall maintain order therin and prevent any activity that would interfere with the quiet enjoyment of their property by nearby residents. The security personnel shall, to the reasonable extent possible, encourage patrons to exit quietly, make available security staff-assisted escorts especially at closing, from the business to the patrons car and patrol all areas designated as theater parking utilized by patrons if the parking areas do not have their own security.

50. The business operator shall maintain on the premises, and present upon request to any law enforcement officer, a copy of the Business Permit, insurance information and a valid emergency contact phone number for the security company service used by the operator.

51. Applicant will begin all queues inside of the establishment. Said queues shall be monitored by security.

52. Sidewalk seating will cease at 2:00 am.

53. A landscape divider shall be required in association with an outside dining area similar to other such dividers on nearby properties, to the satisfaction of the Development Services Center. The divider shall separate the patio from the remaining sidewalk area. The divider shall be constructed of sturdy material such as wrought iron, metal, or wood posts and chain. The divider shall not be less than three feet high and shall include plants or shrubs.

54. The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons existing and crowd control during entry and exiting.

55. The property owner or the operator shall be responsible for maintaining, free of litter, the area adjacent to the property including the outdoor sidewalk and smoking areas.

56. If at any time during the period of this grant, should documented evidence be submitted showing continued violation(s) of any conditions(s) of the grant, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighborhood properties, the Zoning Administrator will have the right to require The Petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review The Petitions(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.

57. The grant shall have a term of five years after which the grant entitlement shall be become null and void and the applicant shall file for and win approval of a new grant from the Office of Zoning Administration for all entitlements contained herein.

58. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.

59. Within 45 days of the effective date of this action or mutually agreed upon date, the property owner shall record a covenant acknowledging and agreeing to comply with all the terms and conditions established herein and which shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Development Services Center for approval before being recorded.

After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject file.

ENVIRONMENTAL CONDITIONS

60. The Applicant(s) shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.

61. Only low- and non-VOC-containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the project.

62. The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to "Design Out Crime Guidelines: Crime Prevention Through Environmental Design", published by the Los Angeles Police Department. Contact the Community Relations Division, located at 100 W. 1st Street, #250, Los Angeles, CA 90012; (213) 486-6000. These measures shall be approved by the Police Department prior to the issuance of building permits.

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

APPLICANT VOLUNTEERED CONDITIONS FOR ALCOHOL SALES ONLY (NOT SECURITY OR BUSINESS PRACTICE)

64. Alcoholic beverages shall not be sold and consumed in bottles or cans in the ground floor theater and balcony areas. All alcoholic beverages in these areas shall be sold and served in plastic drinking containers.

65. Sales and delivery of alcoholic beverages to customers shall be made from behind a counter where a clerk will obtain the product.

66. No self-service of alcoholic beverages is permitted.

67. No person under the age of 21 shall sell or deliver alcoholic beverages.

68. The sale of distilled spirits by the bottle for same-day or future consumption is prohibited.

69. Alcoholic beverages may be sold and consumed in the restaurant, ground floor theater, and balcony areas and consumed but not sold in the front patio areas. No portable bars are permitted in the front patios. There shall be a total of two fixed service counters in the restaurant areas and three portable bars positioned in

different locations in the ground-floor theater and balcony areas depending on the type of event and number of patrons attending. No bar shall be located where it blocks ingress, egress, or would cause a fire safety problem as determined by the Fire Department.

70. There shall not be a requirement to purchase a minimum number of drinks.

71. Patrons may order an alcoholic beverage without a food order, however, the premises shall be maintained as a bona-fide eating place, in conformance with section 23038 of the California Business and Professions Code, with an operational kitchen, which complies with the definition in Section 91.0403 of the Los Angeles Municipal Code, and shall provide a menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during normal operating hours.

72. The petitioner shall issue wristbands to patrons purchasing or consuming alcoholic beverages in the ground floor theater and balcony areas and said patrons shall be required to wear the wristbands at all times while consuming alcoholic beverages on the premises. This condition shall not apply when the establishment is operating an event that is restricted to those 21 years of age or older.

73. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages, except that the restaurant may post a menu

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 $1,000 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 **December 13, 2012,** unless an appeal there-from is filed with the Department of City Planning. 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 www.lacity.org/pln. Public offices are located at:

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

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

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

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Department of City Planning's Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on May 23, 2012, 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 and the Zone

Variance requests under Charter Section 562 and Section 12.27-B of the LAMC have been established by the following facts:

BACKGROUND

The proposed project is the reuse of the existing 10,590 square foot theater, which has been vacant for approximately 10 to 15 years, into a combination 4,218 square foot theater for live entertainment containing 559 seats on both the ground floor and a new 1,200 square-foot mezzanine , a 1,114 square-foot restaurant with 42 interior seats and 20 seats on a patio in the public right-of-way on the Main Street sidewalk and a 670 square-foot bar/lounge with 29 seats. The total occupancy of the theater and restaurant is proposed to be 1,291 patrons when the theater is in use. The applicants are requesting the sale of a full line of alcoholic beverages in all three venues with hours of alcohol sales from 9:00 a.m. to 1:30 a.m. in the restaurant and bar/lounge and from 12:00 noon to 1:30 a.m. in the theater. There will be also dancing and live entertainment.

The project site is a rectangular-shaped interior lot consisting of two tied parcels, with an approximate site area of 8,430 square feet and a frontage of approximately 80 feet along Main Street. The property is zoned [Q]C4-2D with a Community Commercial land use designation in the Central City Community Plan Area. This subject site is also located within the area commonly referred to as the Historic Core, the Los Angeles State Enterprise Zone (ZI-2374) and the Greater Downtown Housing Incentive Area (ZI-2385). The site is presently improved with a vacant 10,590 square-foot theater.

Surrounding properties include an art gallery, auto supply store, and café/restaurant to the north in the [Q]C4-4D Zone, a residential building and restaurant, to the south in the [Q]C4-4D Zone, a Yoga Studio, a Clothing Studio, a Dolls Importer and Café/Retail store, to the east across an alley and fronting on Winston Street in the [Q]C4-2D Zone, and a public parking lot to the west across Main Street in the [Q]C4-4D Zone.

Main Street, adjoining the property to the west is a designated Secondary Highway dedicated with a varying width from 80 to 85 feet.

Previous zoning related actions on the subject property include:

Case No. ZA 2007-3334(CUB)(ZV)- On March 07, 2008, the Zoning Administrator approved Conditional Use Permits, for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing structure housing a restaurant theater and having live entertainment, and incidental patron dancing; and a Variance request to allow 6 required parking spaces off-site secured by a lease in lieu of covenant.

Ordinance No.164,307–This ordinance became effective on January 30, 1989 and imposed [D] limitations on the project site as a result of City Planning Commission Case No. 1986-0606(GPC). The proposed project is not affected; the [D] limitations are included in the Case File.

Ordinance 161,603 – This Ordinance was adopted by City Council on August 13, 1986 and imposed [Q] Conditions on the project site. The proposed project is not affected; the [Q] conditions are included in the Case File.

Previous cases on surrounding properties include:

Case No. ZA 2011-354(CUB) – On May 09, 2012, the Zoning Administrator approved, 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 proposed approximately 744 square-foot bar and lounge with packaged food sales offering live entertainment, accommodating 25 seats interior and ten seats on an outdoor patio area located within the adjacent alleyway, and within an adjacent and associated approximately 1,300 square-foot multi-purpose room accommodating approximately 45 persons, with hours of operation from 10:30 a.m. to 2 a.m. daily, all within an existing mixed-use commercial/residential building, on an approximately 13,300 square-foot parcel in the [Q]C4-2D Zone, located at 117 East Winston Street.

Case No. ZA 2011-2748(PAB) – On April 16, 2012, the Zoning Administrator approved a request for an Approval of Plans to permit the on-site sale of a full line of alcoholic beverages in a proposed 28,823 square-foot restaurant and event center on the ground floor of an adaptive reuse property, having live entertainment and dancing for special events, located at 114 West 4th Street.

Case No. ZA 2011-2746(PAB) – On April 16, 2012, the Zoning Administrator approved a request for a Plan Approval per approved parent Case No. ZA 2005-5977(CUB)(CUX) for a proposed expansion of an existing 1,115 square-foot restaurant to a 2,156 square-foot, and the upgrading to a full line of alcoholic beverages for on-site consumption (Type-47) license from the approved (Type-41) beer and wine license, for a restaurant located at 118 West 4th Street.

Case No. ZA 2011-2039(PAB) – On April 16, 2012, the Zoning Administrator approved a request for an Approval of Plans to permit the on-site sale of a full line of alcoholic beverages in a proposed 9,985 square-foot bar/lounge with up to 222 seats, and live entertainment, and patron dancing, located at 116 West 4th Street.

Case No. ZA 2011-2037(PAB) – On April 16, 2012, the Zoning Administrator approved a request for an Approval of Plans to permit the on-site sale of a full line of alcoholic beverages in a 6,529 square-foot proposed restaurant seating 236 patrons, located at 408 South Spring Street.

Case No. ZA 2011-3260(CUB)(CUX) – On December 21, 2011, a Case was filed with the Department of City Planning requesting a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing 5,200 square-foot bar/lounge with a live band and 400 square-foot dance floor for public dancing accommodating 299 patrons and having hours of operation from 11 a.m. to 2 a.m. daily, located at 453 South Spring Street. *No action has been rendered on this case.*

Case No. ZA 2011-2860(MCUP)(ZAD)(CUB) – On November 04, 2011, a Case was filed with the Department of City Planning, requesting a Master Conditional Use Permit, to allow the sale of a full line of alcoholic beverages for on-site consumption in three proposed restaurants and one bar/lounge, all having hours of operation/alcohol service from 11:00 a.m. to 2:00 a.m., daily; a Zoning Administrator's Determination to allow 212 residential units in conjunction with a proposed adaptive use development, and a Zoning Administrator's Determination to allow 65 parking spaces for the proposed development, located at 354 South Spring Street. *No action has been rendered on this case.*

Case No. ZA 2011-1019(CUB) – On August 3, 2011, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 2,273 square-foot restaurant in the [Q]C4-2D Zone, located at 105-113 East 5th Street and 464 South Main Street.

Case No. ZA 2011- 0446(CUB) – On May 27, 2011, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant consisting of 68 seats with an outdoor patio at 400 S. Main Street.

Case No. ZA 2010-2842 (CUB) – On March 22, 2011, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption-in conjunction with a 2,300 square-foot restaurant at 118 West 5th Street; 500-510 South Spring Street.

Case No. ZA 2010-957(CUB) – On September 10, 2010, the Zoning Administrator approved a Conditional Use to permit the on-site sale and consumption of a full line of alcoholic beverages in conjunction with a 6,150 square- foot bar and lounge at 414-416 South Spring Street.

Case No. ZA 2010-1568(CUB) – On September 2, 2010, the Zoning Administrator approved a Conditional Use Permit to allow the sale and dispensing of beer and wine for off-site consumption with on-site wine tasting in conjunction with a 1,722 square-foot gourmet wine shop on the ground floor of a mixed use building in the [Q]C4-4D Zone, located at 450-460 South Spring Street.

Case No. ZA 2009-3718 (CUB) - On March 31, 2010, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a 2,505 square-foot restaurant at 206-216 West 5th Street.

Case No. ZA 2009-3016(CUB)(CUX)(ZV) – On January 28, 2010, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, a Conditional Use Permit to allow patron dancing, and a variance to permit two billiard tables in the [Q]C4-4D Zone at 101 -125 West 5th Street; 451-465 South Main Street.

Case No. ZA 2009-2565(CUE) – On December 16, 2009, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine for on-site consumption, in conjunction with an existing restaurant, at 524 South Main Street.

Case No. ZA 2008-4437(CUB) – On October 15, 2009, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption at 412-414 South Main Street.

Case No. ZA 2007-4685(CUE) – On December 24, 2007, the Zoning Administrator approved a Conditional Use to permit a Zoning Administrator's determination to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,405 square-foot restaurant at 426 South Main Street.

Case No. ZA 2005-5977(CUB)(CUX) – On April 20, 2006, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing for consideration a full line of alcoholic beverages in seven (7) establishments and beer and wine only in three (3) establishments for on-site consumption, the sale of beer and wine only for off-site consumption within one (1) establishment, live entertainment and public dancing within two (2) establishments, in conjunction with an event center, multiple existing and proposed restaurants, bar/cafe, and retail uses totaling 69,866 square feet at 401-409 South Main Street, 114-124 West 4th Street, and 402, 408, 410 South Spring Street.

Case No. ZA 2005-7005(CUB)(CUX) – On March 8, 2006, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a proposed bar/lounge (The Crocker Club) and to allow dancing in conjunction with the bar/lounge at 453 South Spring Street.

Case No. ZA 2005-4681(CUE) – On December 14, 2005, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction with a proposed restaurant and art gallery in the C2-4D Zone located at 500 South Spring Street and 118 West 5th Street.

Case No. ZA 2003-1946 (CUB) – On July 30, 2003, the Zoning Administrator approved a Conditional Use to permit the sale and dispensing of beer and wine for off-site consumption in conjunction with an existing 1,150 square-foot market at 400 South Main Street.

Case No. ZA 2002-7293(CUB) - On April 30, 2003, the Zoning Administrator approved a Conditional Use for the sale and dispensing of beer and wine only for on-site consumption, in conjunction with a 570 square-foot restaurant with an outdoor patio at 400 South Main Street.

LETTERS TO THE FILE PRIOR TO THE PUBLIC HEARING

At the time of the public hearing, two letters were received in support of the project. The first letter dated March 14, 2012, was received from Patricia Berman, President of the Downtown Los Angeles Neighborhood Council, stating that on March 13, 2012, the Neighborhood Council voted in support of the application provided that the following conditions are considered/ imposed:

1) The queuing should be managed to avoid blocking of the sidewalks with long lines and unattended gatherings. The patios flank both sides of the main entry and do not provide a good situation for queuing. The committee suggests queuing inside of the restaurant and venue.
2) The current configuration of the patio blocks half of the sidewalk. The applicant should consider in the patio design existing trees, street lights, or other obstructions on the sidewalk to minimize impact to pedestrians.
3) The project should consider additional landscape in the sidewalk.
4) The security plan should include how the operator will control the crowd outside of the venue at closing.
5) A special attention needs to be made in acoustics to minimize sound a vibration impacts to the New Genesis Apartments.

The second letter dated March 23, 2012 was received from the Council Office expressing no opposition for the project.

Additionally, at the time of filing, the applicant submitted a petition with 31 signatures also expressing support for the project.

PUBLIC HEARING

The public hearing on the case was conducted in Room 1020 of Los Angeles City Hall on Wednesday, May 23, 2012 at approximately 11:00 a.m. The applicant's representative, the applicant, an officer of the Los Angeles Police Department's Central Division Vice Unit, a representative of Council District No. 9 and 20 members of the general public attended the hearing.

Points in Favor of the Application:

- The subject site was developed in 1914 as a two-story building. It has been vacant for the past 10 years, and it was previously used as an adult theater;
- The applicant has a 10 year lease on the structure and two, 2-year options for a total of four more years at the site;
- The operators of the proposed use have four other liquor licenses and have had no violations at any of them;
- The operators have been doing live entertainment for over 20 years and have had no problems at any of their venues;
- The hours of 9:00 a.m. to 4:00 a.m. were contained in a previous Conditional Use on the site for a similar operation which was never effectuated;
- This is a 1914 building which was built with no parking and the Code does not require it to have parking. We were required to have two new parking spaces because of the construction of the mezzanine;
- We do have parking for the venue in the public parking structure at 415 South Main Street though it is not required by the Code;
- The applicant likes to have game machines on the site and has them in his other operations. They have created no problems at those sites; and
- We have support from the Central City Association, the Historic Core Business Improvement District and from the local Neighborhood Council;
- A representative of the Central City Association testified and stated that we support the request. As more residents come into the Central City area, they need entertainment venues, bars and restaurants. We expect the applicant to work with

the neighbors to this project as all of the other buildings in the area have been converted to residential uses or are new construction of mixed use residential/commercial buildings. We believe that Main Street has come back from a dilapidated state, but it needs continued investment to keep its momentum going;

- This is the last surviving theater on Main Street. This is an excellent way to preserve the structure and have it contribute to the community;
- We represent the organization Latino Arts Los Angeles. We support the project as it brings both cultural uses and arts uses to the community. They have agreed to allow us to use the space when the operator is not using it, and we support the use as an addition to the local seen;
- We support this on multiple-grounds. This project preserves the theater and supports street life in downtown. They have been pro-active in reaching out to people in the area and will be great operators of a historic theater;
- This project will definitely activate the sidewalks in the area. We do however want queuing for the theater to be handled so that the sidewalk is not blocked because of the queue and the outdoor patio. We are also concerned about the closing time of all of the functions since you would have a lot of people leaving the site at one time;
- We share a common wall with the theater. In general, we are supportive of the reuse of the building. The operator has been community friendly and reached out to the nearby residents. We are somewhat concerned about internal noise from the theater and want to be sure that there is adequate noise insulation so our sleep is not totally disturbed;
- Council District No. 9 supports the project as long as community input into the project is followed; and
- The Vice Unit of the LAPD has met with the applicant and have no opposition to the project. We have submitted a list of conditions that we would like to see imposed. We are somewhat uncomfortable with the patio being open until 2:00 a.m.

There was no opposition to the case at the public hearing.

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 sale of alcoholic beverages for on-site consumption with dancing to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the four 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 proposed location will be desirable to the public convenience or welfare.**

   The proposed location will be desirable to the public convenience and welfare in that the restoration of the existing Regent Theater building will rehabilitate an abandoned building on the reactivating Main Street corridor in downtown Los Angeles. It will result in an additional restaurant in an area becoming known for its innovative restaurant scene, an outdoor patio for dining which will help activate the

street frontage and a new venue for music and entertainment which will replace a movie theater known for showing X rated movies which has been closed for over 20 years.

An important goal of both the Department of City Planning and the former Community Redevelopment Agency of Los Angeles has been to make downtown Los Angeles a 24-hour center for business, residential and entertainment uses. The restoration of the Historic Core centered around Hill Street, Broadway, Spring Street and Main Street has had fits and starts of activity for the last 30 years since the City's Financial Center moved west to Bunker Hill and the Figueroa Corridor. The City's Adaptive Reuse Ordinance has led to the conversion of many old but historic commercial buildings into residential buildings, but the area still lacked a night life to go with the residential users which led to little activity on the Core's streets at night. In the last 10 years, a number of new restaurants have been started in the area as well as bars working in conjunction with the restaurants. The reopening of the Regent Theater will bring back a historic venue and provide not only dining but live entertainment which has been lacking in the area. This has provided a model for the rehabilitation of the famous theaters in the Broadway Historic District two blocks to the west where many of the National Register of Historic Places theaters are beginning to rehabilitate their stages for live entertainment as well as motion pictures.

While approving the reuse of the Regent Theater, it is noted that the structure is adjacent to residential uses, a new mixed use commercial/residential building and the edge of skid row with its attendant social and substance abuse problems. In order to make the proposed use fit into the area, over 70 conditions have been placed on the project which were either volunteered by the applicant, requested by the Police Department or required by the environmental clearance. These conditions will increase security for the use, help prevent additional social and police problems in the area and prevent additional noise impacts on the residents of the area.

Public dancing was included in the application and has been approved as a part of the project. The theater to the rear of the new restaurant will provide a live music venue and will accommodate either seating for viewing musical acts or a dance floor. The nearest full fledged dance club in the area is two blocks away on Spring Street in the former Pacific Coast Stock Exchange Building. That is a full time dance club. The proposed use does not propose to have dancing every night and will act more as a performance venue where dancing is allowable. In addition any public dancing is subject to further review by the Police Commission from which a dance hall permit must be obtained. The Conditional Use permit for public dancing has not been conditioned as to days or number of times in a week that dancing shall be permitted as the Zoning Administrator views that as more in the jurisdiction of the Police Department, there was no information in the application as to how many days a week dancing was proposed and it was not raised as an issue in the public hearing.

2. **The location is proper in relation to adjacent uses or the development of the community.**

The subject Regent Theater building was constructed in 1914. It operated as a X rated motion picture theater until it closed in 2000. It has been vacant in the

intervening years. The theater was proposed for redevelopment as a restaurant and received a Conditional Use Permit for on-site alcohol sales pursuant to Case No. ZA 2007-3334. This conditional use permit was never effectuated, but it shows that the site has been previously proposed and approved for a restaurant with alcohol sales. The proposed project is located one block south and to the east of the residential uses of the "Old Bank District" residential adoptive reuse buildings and that area's restaurants. It is located adjacent to a recently constructed mixed use structure developed by the Skid Row Housing Trust. It is across the street from a mixture of commercial and residential structures. As was previously mentioned, this area has seen an influx of restaurants which serve both the residents of the area and nearby employees of commercial and government buildings which are in easy walking distance of the site. The use of the restaurant space in the front of the structure will help to activate the street during the evening hours which has long been a goal of the City as people leave their residences to eat at the nearby restaurants.

The use of the remainder of the building for a live entertainment venue will restore and maintain the existing theater on the site. The use of single screen theaters is anachronistic in the age of the multiplex theater and the nearby Regal Theater complex in the Los Angeles Sports and Entertainment District dominates the downtown motion picture theater scene. This reuse maintains the historic use of the site and will result in a more intimate venue for live music in an area where people do not necessarily have to drive because of downtown's extensive transit grid in order to see live music. Though the theater is set up so that it may have seating for live music, it will also have a dance floor. Because live music and dancing are noise producing uses, Condition No. 8 of the Conditions of Approval has been enhanced to include additional noise mitigation measures to control noise from affecting nearby residents. As was stated in the public hearing, people in the area are supportive of the use, but they are concerned about additional noise impacts caused by the use. The applicant has provided a Sound Mitigation Plan as a part of the application and Condition No. 8 requires its implementation and requires that copies of the Plan be submitted to the Department of City Planning's Development Services Center and to the Department of Building and Safety at the time of building permit sign off and issuance to be sure that the proposed Sound Mitigation is included in the project and is effective.

3. **The use will not be materially detrimental to the character of the development in the immediate neighborhood.**

The proposed use will be placed into a rehabilitated building which has been historically used as a theater. The building which was developed in 1914 predates many of the structures in the area. The reuse as a theater with live music brings back a historic use and the development of a restaurant is consistent with many other ground floor commercial uses in the immediate area. The reuse of the building will replace a vacant building and remove the blighting influences that abandoned buildings can impact an area with. Abandoned structures invite vagrancy, graffiti, illegal occupation by homeless people and other criminal activity. In order to reduce any impacts on surrounding residences, the project is required to have enhanced noise mitigation and it has an extensive security program both volunteered by the applicant and required by the Police Department. Dancing in the venue will be confined to the enclosed theater space which is in the back of the structure and queuing for entrance will occur both indoors next the restaurant space

and on the sidewalk on the north side of the entrance. No queuing will be permitted next to the southerly outdoor dining patio so as to avoid blocking the sidewalk. Condition No. 29 was placed in the Conditions of Approval to require that outside lighting and security lighting be shielded and directed at the building in order to reduce possible light impacts to adjacent residential uses.

4. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The adopted Central City Community Plan designates the project site for Community Commercial uses with corresponding zones of CR, C2, C4, RAS3, and RAS4, and Height District Numbers 2D with a D limitation limiting structures to a 3:1 FAR except through transfers of floor area ratio. The property is zoned C4-2D.

The property is not within the area of any Specific Plans or Interim Control Ordinances. It is located within the jurisdictional boundaries of the Central Business District Redevelopment Area Plan formerly administered by the Community Redevelopment Agency (CRA/LA) and its successor in interest and is subject to review, if applicable, pursuant to the Redevelopment Area Plan.

The Redevelopment Area Plan focuses on an array of goals to revitalize the project area including encouraging economic development and new commercial projects; retaining and expanding retail uses and businesses in association with the transportation infrastructure, and, meeting social needs of area residents. Plan policies identify that the Agency shall review proposed signage within the area prior to its installation. While the State of California has abolished Redevelopment Agencies, the Redevelopment Plans remain in effect until such time as they expire. The City is still determining which of its agencies will enforce the Plan, but because they remain in effect, they will be enforced until expiration.

The sale of alcohol in association with a restaurant or a nightclub is not specifically addressed in the Community Plan text. In such cases, the Zoning Administrator must interpret the intent of the Plan. The Community Plan goals and objectives seek to encourage appropriate uses within the existing environs with adequate mitigation to insure compatibility between adjoining uses. The business will be operated with consideration of the adjacent businesses and residents, fulfills a desired service, and is compatible with the neighborhood in both appearance and use As conditioned herein, the uses will be maintained consistent with the goals and objectives of the Community Plan and Redevelopment Plan and, thereby, will be consistent with the General Plan and its elements.

ADDITIONAL REQUIRED FINDINGS FOR SALE OF ALCOHOLIC BEVERAGES

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

The proposed use of a restaurant with alcohol sales and a live entertainment venue will not adversely affect the welfare of the pertinent community because the uses will be a part of the expanding restaurant district focused along the Main Street corridor. The music venue will reactivate a theater which has been in existence for almost 100 years and has been abandoned for the previous 10 years. The proposed facility has been conditioned to have an extensive security program as

well as an enhanced noise control program due to the increase in residential units both by conversion and new construction that has occurred in the area. While residential uses have been increasing in the area, it is a policy of the Central City Community Plan to encourage the adaptive reuse of historic buildings for restaurant and entertainment uses. In this case, the neighborhood will lose an abandoned building which is not contributing to the area and gain a restaurant and an active theater. The use of the theater as a venue for live music is more in keeping with the growing use of former single screen theaters for live music, DJ music and dancing and legitimate theater uses. The former theater had previously been used for showing X rated movies and the new use will be an upgrade for the area over the previous one. There was no opposition to the new use at the public hearing and the proposed project had wide support from numerous downtown public interest groups.

6. **The proposed use will not result in an undue concentration of premises for the sale or dispensing of alcoholic beverages in the area of the City involved giving consideration to applicable State laws and the California Department of Alcoholic Beverage Control's guidelines for undue concentration, the crime rate in the area, 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, 4 on-site and 3 for off-site alcohol consumption licenses are allocated to the subject census tract (Census Tract 2073.00). Currently there are 61 on-site licenses and 13 off-site licenses in this census tract. Within a 1,000-foot radius of the site there are approximately 35 on- and off-site licenses. It should be pointed out, however, that the subject Census Tract has had a large influx of residents since the ABC licensing criteria, which is based on population for a tract, was determined. The area has undergone major gentrification through the adaptive reuse of its older commercial buildings into residential uses. The Census Tract also contains the City Hall complex surrounding First and Main Streets as well as three large State Government Buildings. The range of alcohol outlets within the 1,000-foot radius ranges from small bars to the Los Angeles Athletic Club. Because of the nearby government center, the nearby financial district and the influx or residents into the area, there has been a large increase in restaurants, bars and nightclubs in the area. Though the Police Department has expressed some concerns over the increase in on-site alcohol sales in the area, they do not out-right oppose the new uses and propose extensive security programs to maintain peace in the area.

In these active commercial and entertainment venue areas where there is a demand for licenses beyond the allocated number and where what can appear to be an over concentration of licenses is acknowledged, the ABC has recognized that high activity entertainment, retail and commercial centers, such as within the Downtown Los Angeles area, are supported by a significant visitor/employee population in addition to the resident population base. The ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. As has been previously mentioned, the proposed use will have an extensive security system in place and enhanced sound controls on the theater to contain noise created by the use.

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 145, which has jurisdiction over the subject property, a total of 84 crimes were reported in 2011 (24 Part I and 60 Part II crimes), compared to the city-wide average of 144 offenses and the high crime reporting district of 173 crimes for the same reporting period. Part 1 Crimes reported by LAPD include, Homicide (1), Rape (0), Robbery (9), Aggravated Assault (2), Burglary (3), Burglary Theft from Vehicle (3), Personal Theft (1), Other Theft (5) and Auto Theft (0). Part II Crimes reported include, Other Assault (4), Forgery/Counterfeit (0), Embezzlement/Fraud (0), Stolen Property (0), Weapons Violation (1), Prostitution Related (0), Sex Offences (0), Offenses Against Family (0), Narcotics (34), Liquor Laws (0), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DWI related (2) and other offences (18). These figures show a high level of narcotics violations, but a low number of liquor violations especially for an area with a large number of liquor licenses.

In light of the above, the Zoning Administrator can again find that approval of the Conditional Use will not contribute to an undue concentration because the Central City area where the subject facility is located is a center of intense commercial, government and residential uses, and it has been an official City policy, as reflected in Policy 2-4.1 of the Central City Community Plan, to promote night life activity by encouraging restaurants, pubs, night clubs and small theaters offering a variety of opportunities for dining and entertainment.

7. **The proposed use will not detrimentally affect nearby residential 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.**

Because of the passage of the Adaptive Reuse Ordinance, many commercial office buildings in downtown Los Angeles have been converted to residential uses including structures adjacent to the site. The Skid Row Development Trust has also built a large mixed use building adjacent to the site to the south. The proposed use will not be detrimental to these nearby residential buildings because most of the adaptive reuse buildings in the area have restaurants with alcohol sales in the ground floors which have remained commercial. The theater venue has an enhanced acoustical treatment plan to contain noise within the building so as not to disturb nearby residents. Many of the customers of these restaurants live on the floors above the restaurants.

There is one listed church within a 1,000-foot radius of the site which is a tenant of an existing office building on Spring Street. There are no schools, hospitals or public parks within 1,000 feet of the site. There is a site within the radius named Biddy Mason Park which is surrounded by the parking structure for the Ronald Reagan State Office Building, but it is more of dedicated open space in a building than it is a classic public park. It was placed in the structure by the City's Redevelopment Agency as part of its attempt to encourage more open space in the Central City. The park itself is behind a commercial façade of the building and is closed at night. Thus the proposed use will not have an effect upon it.

MANDATED VARIANCE FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

8 **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The general purpose of the Zoning Ordinance is to separate zones into different uses (residential from industrial) and to set up specialty zones to encourage and concentrate certain uses in an area and exclude others which are not deemed to be appropriate for the area. A search of City Planning cases dating back to the origin of the Zoning Code in 1946 shows that the original intent of the C4 Zone was to establish "specialty retail" shopping districts similar to zoning actions to set up specialty districts in New York and Chicago. Among the items excluded from the C4 Zone to set up such districts were various amusement enterprises including boxing arenas, games of skill and science, merry-go-rounds, Ferris wheels and carousels, shooting galleries and penny arcades. In order to allow the ground floor of office buildings to contain major retailers and to encourage major department stores such as Bullocks, May Company and Broadway to operate in such a district, much of downtown Los Angeles was zoned for C4 uses including the subject property. Interestingly the subject property was occupied by a motion picture theater at the time that the City was zoned in 1946 and was located one and a half blocks from the Main Street Gym a famous boxing venue.

The proposed restaurant and theater complex which is taking over the subject structure proposes to have four gaming machines in it which can be considered either a penny arcade or games of skill and science. The C4 Zone is somewhat anachronistic to this particular area which is seeing a resurgence in activity including restaurants, bars, residential uses, live music venues and some retail uses but definitely not of a "high class" retail activity as envisioned by the 1946 Department of City Planning. The prevention of the operator of the subject venue who uses video gaming machines as a part of his signature business model would result in unnecessary hardships as the original intent of the C4 Zone no longer exists in the area.

The developers are also building a 1,200 square foot mezzanine level in the theater. This has resulted in the Department of Building and Safety requiring 2-parking spaces for the project. Because the building was constructed in 1914 with no parking, Section 12.21-A,(4)(x) of the Zoning Code permits it to have no parking spaces. The structure fully occupies its lot, and there is no room on it to provide the necessary parking spaces to obtain a certificate of occupancy for the mezzanine. This constitutes both a hardship and a practical difficulty for the project. Parking is available throughout the area as there is not only a large public parking building across the street which will accommodate not only parking for the venue in general but for the two additional parking spaces for the mezzanine as well as numerous surface parking lots within walking distance of the site. The applicant has contracted for two parking spaces in the parking building across the street and

within 260 feet of the use by lease agreement. The parking structure is in plain sight of the venue and is open for public parking. The encumbering of the structure with a covenant for required parking when the parking structure itself is providing public parking for a wide variety of uses in the area is an unnecessary hardship for both the applicant and the owner of the parking structure in order to satisfy a vagary of the Zoning Code designed for areas where parking is at a premium. Such is not the case in this area.

9. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

There are special circumstances applicable to the subject property due to the size of the building in proportion to the lot that do apply generally to other property in the same vicinity in that the area was developed prior to the enactment of the Zoning Code and most of the buildings were built lot line to lot line with no space for parking unless it was included for the building. Section 12.21-A(4)(x) of the Zoning Code recognizes this by exempting such buildings from Code required parking. The exception is of course when an interior expansion results in the need for more parking as happened in the instant case. This results in a special circumstance that does not apply generally to other property in the same zone and vicinity as the other structures in the area undergoing rehabilitation or adaptive reuse are not increasing usable floor area subject to increased parking as occurred with the mezzanine expansion in this building.

There is a special circumstance as to the gaming machines in that this structure unlike other buildings in the area, which were built as offices or department stores, was built as a theater in which such uses are common. The C4 Zone for the area was designed for another era and time which has long passed this area by.

10. **The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

Because the building was built in 1914, the current Zoning Code does not require it to have any parking. Because of the construction of the mezzanine expansion the current Code requires it to have two parking spaces. Without the parking spaces, the applicant cannot obtain a certificate of occupancy for the expanded mezzanine. The previously mentioned circumstances, hardships and difficulties deny the applicant the ability to place the parking on the same lot. There is ample public parking in the area to provide for all of the parking needs of the use. Many property owners do not want to encumber their properties to provide parking that is not really needed by the proposed use due to the number of public parking lots in both buildings and on surface lots in the area. The approval of the use of a lease to provide parking by variance is necessary for preservation and enjoyment of a substantial property right of the applicant. This is especially true after the applicant has gone to the expense and time of constructing the addition.

The variance to permit the video games will not result in the development of a penny arcade or an emporium for games of skill and chance. The applicant merely wants to provide four video games on the site ancillary to the main uses and will in

no way result in the main use of the site as a penny arcade. The project has been limited to a maximum of four such uses and conditions require that the area set aside for such a use be monitored by restaurant and security staff at all times.

11. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone and location in that most property in the area is built similar to that on the site. Structures in the area are generally built lot line to lot line with either no parking or parking in a structure adjacent to the main use. There is an ample amount of public parking with a 1,000 foot radius of the site in both surface parking lots and parking buildings. The variance for parking is only required because of an internal expansion of a mezzanine which requires dedicated on-site parking or parking within 750 feet by a covenant. With the large amount of public parking available in the area, providing two spaces by lease will not harm or be detrimental to any nearby use. The variance for the video machines will result in four games being placed inside of the building which is basically being used as an entertainment venue instead of a "high class" shopping use which the building was never used for. Their use will not result in any detriment or harm to the surrounding area since they will be inside and monitored by staff.

12. **The granting of the variance will not adversely affect any element of the General Plan.**

The granting of the variance will not adversely affect the general plan in that the Central City Community Plan sets the site aside for Community Commercial uses with corresponding zones of CR, C2, C4, RAS3 and RAS4. Though video games are not permitted in the subject C4 Zone, they are permitted in the C2 Zone. Thus the use of video games on the site is consistent with the Community Commercial Land Use designation. The Plan Text and Footnotes do not discuss the provision of parking by a lease instead of a covenant and thus the parking variance does not adversely affect the plan. In fact the denial of the variance could be considered contrary to the Community Plan in that the Plan seeks to increase the reuse of historic buildings for restaurant and entertainment uses and the denial of the variance would not permit the use of the new mezzanine in the theater portion of the site.

ADDITIONAL MANDATORY FINDINGS

13. 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.

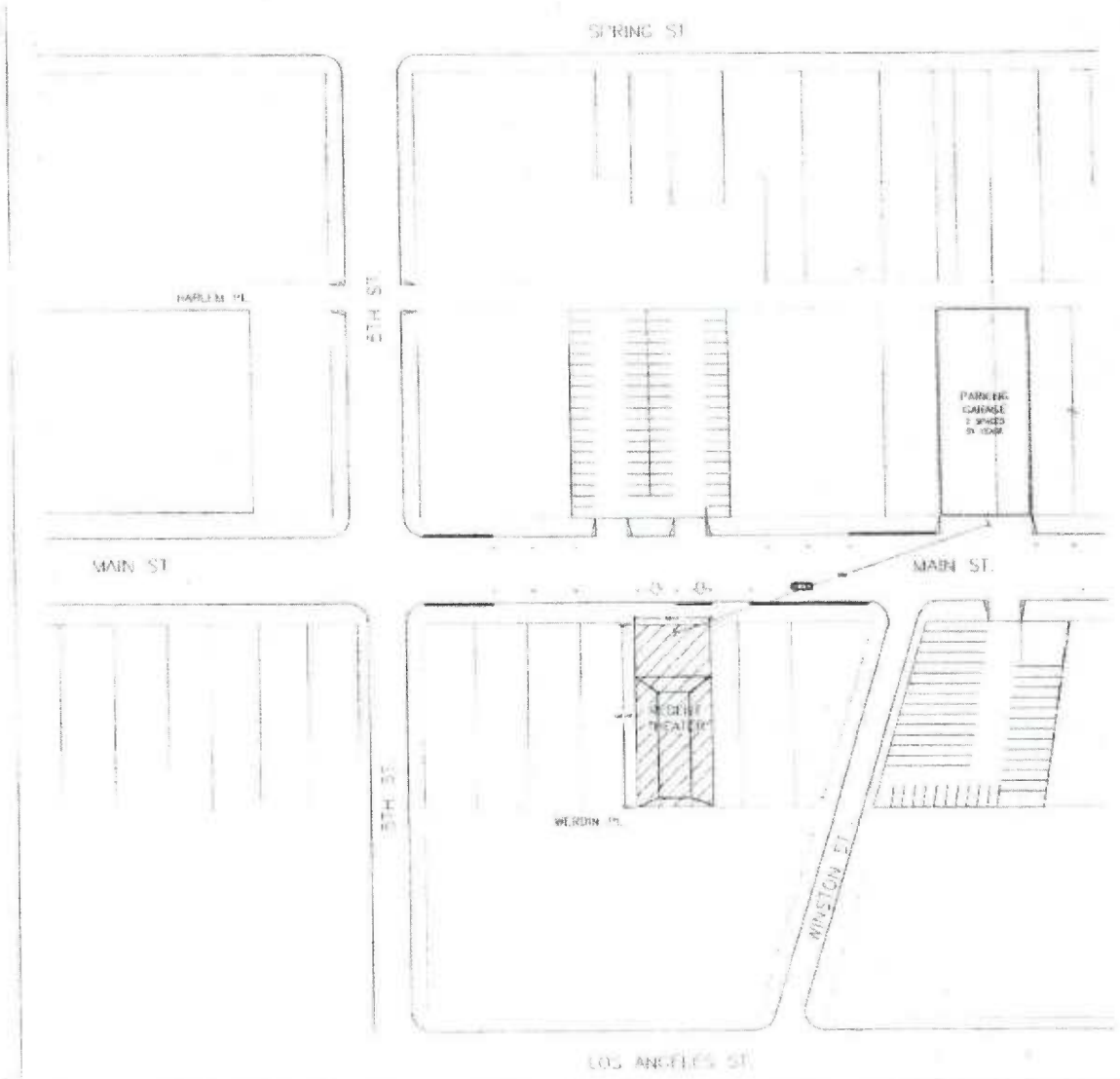
14. On May 23, 2012, a Mitigated Negative Declaration (ENV 2012-378-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated

Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

CHARLES J. RAUSCH, JR
Associate Zoning Administrator
Telephone No. (213) 978-1306

CJR:jjq

cc: Councilmember Jose Huizar
Fourteenth District
Adjoining Property Owners



PROJECT INFORMATION

REVISED

Address/Legal

ZIP Code	:90013
PIN Number	:129A211 145
Lot/Parcel Area	:5,620.8 (sq ft)
Thomas Brothers Grid	:PAGE 634 - GRID F4
Assessor Parcel No	:5148009012
Tract	:BOUNN AND MCNOLD TRACT
Map Reference	:M B 5-110
Block	:2
Lot	:16
Arb (Lot Cut Reference)	:None
Map Sheet	:129A211

Jurisdictional

Community Plan Area	:Central City
Area Planning Commission	:Central
Neighborhood Council	:Downtown Los Angeles
Council District	:CD 9 - Jan Perry
Census Tract #	:2073.00
LADBS District Office	:Los Angeles Metro

Planning and Zoning

Special Notes	:None
Zoning	:[Q]R4-2D
Zoning Information (2D)	:ZI-2385 Greater Downtown Housing Incentive Area
Zoning Information (2D)	:ZI-2374 Los Angeles Sports Enterprise Zone
General Plan Land Use	:Community Commercial
General Plan Footnote(s)	:Yes
Hillside Area(Zoning Code)	:No
Baseline Hillside Ordinance	:No
Baseline Mansionization Ordinance	:No
Specific Plan Area	:None
Historic Preservation Review	:No
POD	:None
CDO	:None
NSO	:No
Streetscape	:No
Sign District	:No
Adaptive Reuse Incentive Area	:Downtown Adaptive Reuse Incentive Area
CRA	:City Center Redevelopment Project
Central City Parking	:Yes
Downtown Parking	:Yes
Building Line	:None
500 Ft School Zone	:No
500 Ft Park Zone	:No
Parking	:2 spaces by lease per 180081 to existing mezzanine in the state enterprise zone
Existing SQ FT	:10,580 sq ft
New SQ FT	:1,200 sq ft (on mezzanine)
Total SQ FT	:11,780 sq ft

STANDING

FLOOR	SQ FT	PATRONS
GROUND FLOOR		
Restaurant	1114	42 (seats)
Bar	630	24 (seats)
Theater	4218	844 (standing)
Patio	(317)	28 (seats)
Other Area	1658	-
SECOND FLOOR		
Mezzanine	1180	356 (standing)
Office	1083	-
Other Area	987	-
		1309 (standing) 65 (seats)
TOTAL PATRONS (see notes)	11780	1291

SEATING

SEATING PLAN	SQ FT	PATRONS
GROUND FLOOR		
Restaurant	1114	42 (seats)
Bar	630	24 (seats)
Theater	4218	422 (seats)
Patio	(317)	28 (seats)
Other Area	1658	-
SECOND FLOOR		
Mezzanine	1180	117 (seats)
Office	1083	-
Other Area	987	-
TOTAL PATRONS (see notes)	11780	633

(*) GROSS SQ FT NOT INCLUDED IN BUILDING PLANS

4/26/2017

EXHIBIT A

DESIGN & CONSULTING

ZA 2012-0377(CUB)(CUX)(ZV)

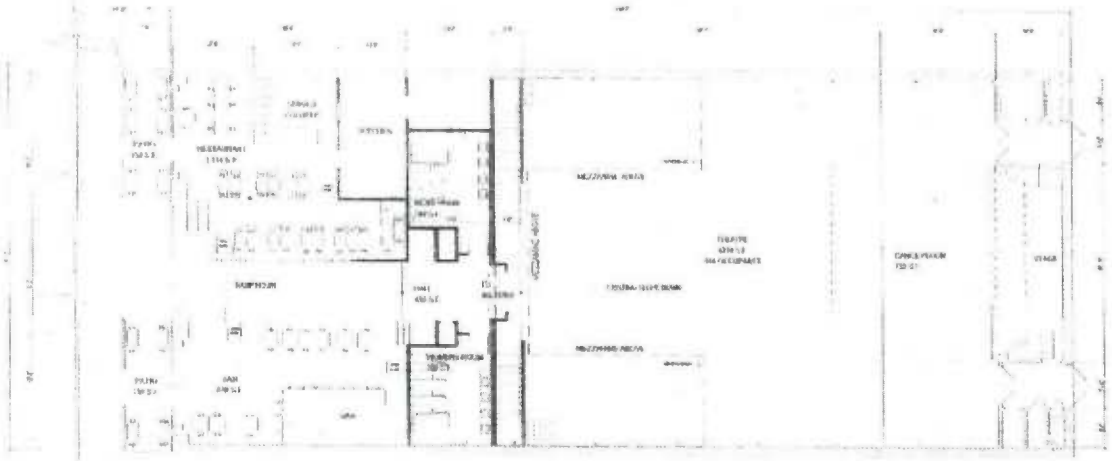
PROJECT INFO

REGENT THEATER

448 SOUTH MAIN STREET
LOS ANGELES CA 90013

SITE PLAN

A-01



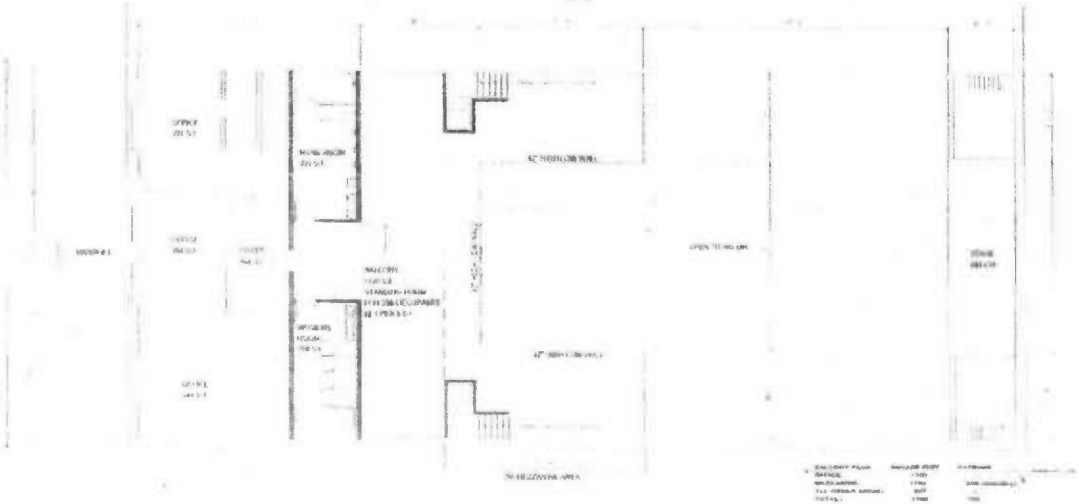


EXHIBIT "A"
Page No. 2 of 4
Case No. ZA2012-0272(CUP)(Amended)

DESIGN & CONSULTING

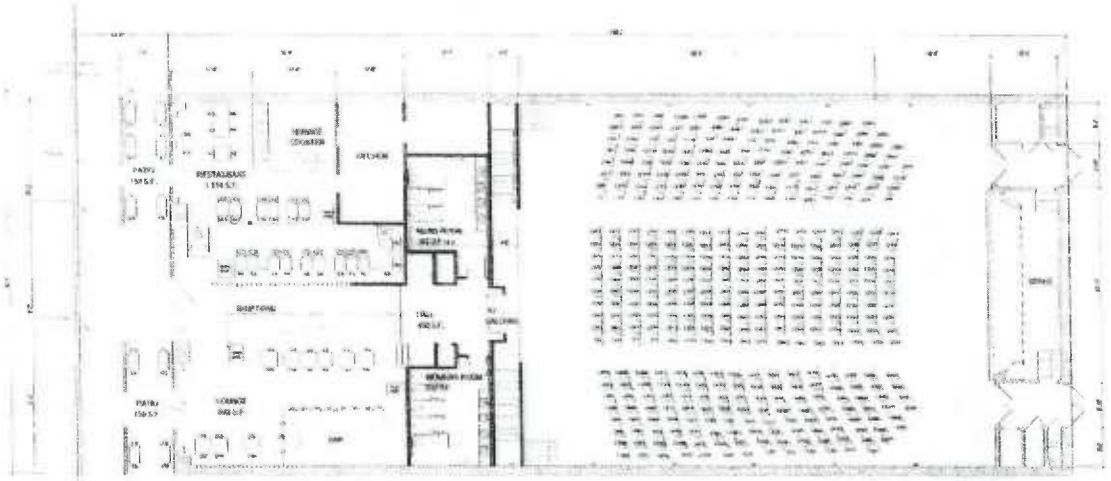
MASS ARCHITECTURE + DESIGN

PROJECT INFO

REGENT THEATER

FLOOR PLAN

A-02



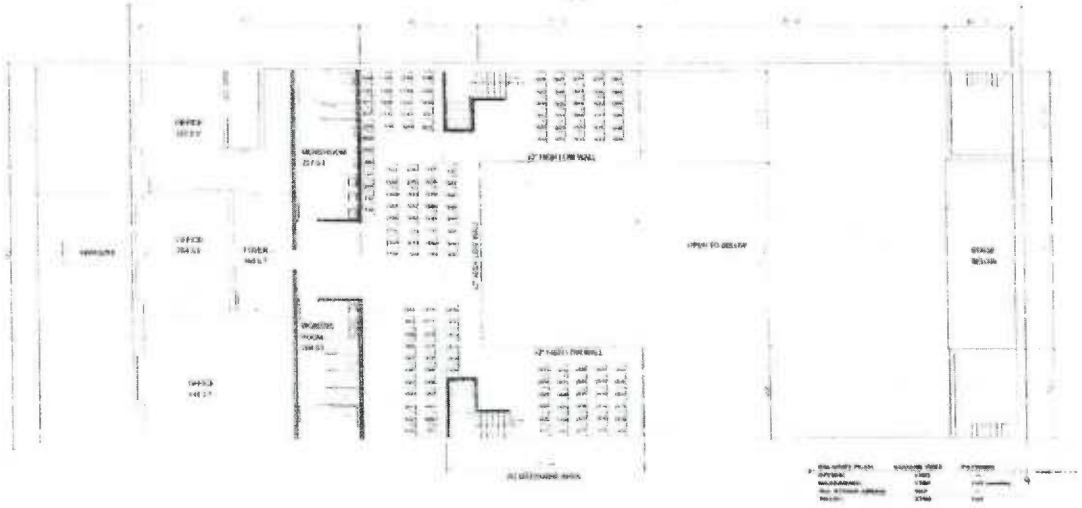


EXHIBIT "A"
Page No. 3 of 4
Case No. ZA 2014-0377(CUX)(VAR)

DESIGN & CONSULTING

MASS ARCHITECTURE + DESIGN

PROJECT INFO

REGENT THEATER

109 SOUTH MAIN STREET

FLOOR PLAN
SEATING

A-03

EXHIBIT "A"

Page 4 of 4

Case No. ZA23-0277 (Variance)

MASS ARCHITECTURE + DESIGN

DESIGN & CONSULTING

REGENT THEATER

QUEUING PLAN

A-04

California Department of Alcoholic Beverage Control

License Query System Summary

as of 3/5/2015

License Information

License Number: 524928

Primary Owner: REGENT THEATRE DTLA LLC

ABC Office of Application: 04 - LA/METRO

Business Name

Doing Business As: REGENT THEATRE THE

Business Address

Address: 448 S MAIN ST **Census Tract:** 2073.02

City: LOS ANGELES **County:** LOS ANGELES

State: CA **Zip Code:** 90013

Licensee Information

Licensee: REGENT THEATRE DTLA LLC

Company Information

Officer: FRANK, MITCHELL BRUCE (MANAGING MEMBER)

License Types

1) License Type: 47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE

Status Date: 02-OCT-2014 **Term:** 12 Month(s)

Original Issue Date: 01-OCT-2014 **Expiration Date:** 30-SEP-2015

Master: Y **Duplicate:** 0 **Fee Code:** P40

Condition: OPERATING RESTRICTIONS

License Type was Transferred On: 01-OCT-2014 **FROM:** 47-503942

2) License Type: 47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE

Status Date: 01-OCT-2014 **Term:** 12 Month(s)

Original Issue Date: 01-OCT-2014 **Expiration Date:** 30-SEP-2015

Master: N **Duplicate:** 3 **Fee Code:** P40

Condition: OPERATING RESTRICTIONS

License Type was Transferred On: 01-OCT-2014 **FROM:** 47-503942

3) License Type: 58 - CATERER PERMIT

License Type Status: ACTIVE

Status Date: 01-OCT-2014 **Term:** 12 Month(s)

Original Issue Date: 01-OCT-2014		**Expiration Date:** 30-SEP-2015
Master: N	**Duplicate:** 1	**Fee Code:** P40
Condition: OPERATING RESTRICTIONS		
License Type was Transferred On: 01-OCT-2014		**FROM:** 47-503942
Current Disciplinary Action		
. . . No Active Disciplinary Action found . . .		
Disciplinary History		
. . . No Disciplinary History found . . .		
Hold Information		
. . . No Active Holds found . . .		
Escrow		
. . . No Escrow found . . .		

- - - End of Report - - -

For a definition of codes, view our glossary.

BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF

REGENT THEATRE DTLA LLC REGENT THEATRE THE 448 S MAIN ST LOS ANGELES, CA 90013-1320	} FILE 47-524928 } } REG. } } } } } **PETITION FOR CONDITIONAL LICENSE** }	RECEIVED AUG 20 2014 PERMIT PROCESSING SECTION

For Issuance of an On-Sale General Eating Place - License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residences(s); and,

WHEREAS, issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4, of Chapter 1, Title 4, of the California Code of Regulations; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract 2073.02 where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned over-concentration of licenses, grounds exist for denial of the applied-for license(s); and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

1 Loitering is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on the ABC-257 dated 07/19/12 and ABC-253 dated 07/17/12.

Initials

2 The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, as depicted on the ABC-257 dated 07/19/12 and ABC-253 dated 07/17/12.

3 No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the ABC-257 dated 07/19/12 and ABC-253 dated 07/17/12.

4 Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated 07/19/12 and ABC-253 dated 07/17/12.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 23rd DAY OF September, 2013.

Applicant/Petitioner

Applicant/Petitioner

ABOUT MY/OUR BUSINESS

Applicant(s): Mitchell Frank, Ezra Callahan, ~~Mark Steinberg, David Isaac, Morgan Margolis, Ellen Jacobs~~, Stephen Hendel

Company/Corporation: Regent Theatre DTLA, LLC

Name of Restaurant/Bar, etc.: The Regent Theater

Address of Establishment: 446-48 S Main Street, Los Angeles, 90013

ABOUT MY/OUR BUSINESS

Hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
OPEN	9 a.m.	9 a.m.	9 a.m.	9 a.m.	9 a.m.	9 a.m.	9 a.m.
CLOSE	4 a.m.	4 a.m.	4 a.m.	4 a.m.	4 a.m.	4 a.m.	4 a.m.

If none, write NONE.

A. Type of Business Activity (night club, lounge, restaurant, etc.): Theater and restaurant

B. Type of Entertainment (hip hop, jazz, rock, rap, live dance, etc.): Live bands, DJs

C. I have a license from Alcohol Beverage Control (ABC). License # 524928 If yes, are there conditions? Yes

D. Number of Pool Tables 0

E. Dance Floor Location and Size (200 square feet minimum) 1,300 s.f. dance floor on the ground floor of the theater

F. Number of Arcade Games 4

G. Number of Games of Skill/Science (claw, etc.) & Type 0

H. Cyber Café: Describe operation & set up. N/A

I. Cyber Café: Number of Computer, Terminals, Workstations N/A

J. Types of films to be shown & ratings. N/A

K. Seating Capacity 1,291 patron occupancy and 73 patron seats

L. Admission Fee none for the restaurant. Theater admission varies depending on the performer.

M. Number of Bowling Lanes 0

M. Parking Information two required parking spaces are provided off-site

RECEIVED
AUG 20 2014
PERMIT PROCESSING SECTION

DECLARATION

I/We submit this information about my/our business. The full text of the Los Angeles Municipal Code is available through the City's website at www.cityofla.org under "City Charter, Rules & Codes." Chapter X of the Los Angeles Municipal Code contains many laws regulating Police Permits. I/We declare that we understand laws applicable to our business and permit(s). I/We have received a copy of Police Commission Board Rules for each permit application for which Board Rules exist. I/We further declare that I/we will comply with all laws and/or rules. I/we understand that failure to comply may place my/our existing permits in jeopardy and may necessitate disciplinary action by the Board of Police Commissioners and/or a criminal complaint filed with the City Attorney or District Attorney. I sign this document on my behalf or on behalf of the company/corporation/business, with full authority to do so.

Date	Print Name	Signature
7/30/14	Mitchell Frank	

ABOUT MY/OUR BUSINESS

Applicant(s): Mitchell Frank, Ezra Callahan, ~~Matt Steinberg, David Isch, Morgan Margolin, Ethan Jacobs~~, Stephen Hendel

Company/Corporation: Regent Theatre DTLA, LLC

Name of Restaurant/Bar, etc.: The Regent Theater

Address of Establishment: 448-458 S Main Street, Los Angeles, 90013

ABOUT MY/OUR BUSINESS

Hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
OPEN	9 a.m.	9 a.m.	9 a.m.	9 a.m.	9 a.m.	9 a.m.	9 a.m.
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Date	Print Name	Signature
7-29-14	EZRA CALLAHAN	
Date	Print Name	Signature
Date	Print Name	Signature
Date	Print Name	Signature

ABOUT MY/OUR BUSINESS

Applicant(s): Mitchell Frank, Ezra Callahan, ~~Matt Gleinberg, David Isen, Morgan Margolis, Ellen Jacobs~~, Stephen Hendel

Company/Corporation: Regent Theatre DTLA, LLC

Name of Restaurant/Bar, etc.: The Regent Theater

Address of Establishment: 446-450 S Main Street, Los Angeles, 90013

ABOUT MY/OUR BUSINESS

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PERMIT PROCESSING SECTION

DECLARATION

I/We submit this information about my/our business. The full text of the Los Angeles Municipal Code is available through the City's website at www.cityofla.org under "City Charter, Rules & Codes." Chapter X of the Los Angeles Municipal Code contains many laws regulating Police Permits. I/We declare that we understand laws applicable to our business and permit(s). I/We have received a copy of Police Commission Board Rules for each permit application for which Board Rules exist. I/We further declare that I/we will comply with all laws and/or rules. I/we understand that failure to comply may place my/our existing permits in jeopardy and may necessitate disciplinary action by the Board of Police Commissioners and/or a criminal complaint filed with the City Attorney or District Attorney. I sign this document on my behalf or on behalf of the company/corporation/business, with full authority to do so.

Date	Print Name	Signature
7/31/14	Stephen Hendel	Stephen Hendel

Agreement CES

FORM: Agreement for the Granting of a Police Permit for Café Entertainment/Shows

LOS ANGELES POLICE COMMISSION—POLICE PERMITS
100 W. FIRST ST., #147
LOS ANGELES, CA 90012 (213) 996-1210

I/We, Mitchell Frank, Ezra Callahan, ~~Matt Steinberg, David Isen, Morgan Margolis, Ellen Jacobs~~, Stephen Hendel
[Applicant Name(s)]

owners of The Regent Theatre DTLA, LLC, known as The Regent Theater,
[Company/Corporation] [Name of Restaurant/Bar/Club, etc.]

located at 446-450 S Main St Los Angeles, 90013
[Address]

certify: THAT I/We am/are aware of the Adult Entertainment Zoning Ordinance, Los Angeles Municipal Code Section 12.70; THAT I/We have read and understand the Prohibition section of that ordinance, as set forth below; and THAT the present or proposed business for which the attached application has been completed is, to the best of my/our knowledge, not subject to the restrictions of said prohibition section.

"C. Prohibition. (Amended by Ord. No. 158,579, Eff. 1/23/84. No person shall cause or permit the establishment, substantial enlargement of transfer of ownership or control of an adult entertainment business within 1,000 feet of another adult entertainment business, or within 500 feet of a religious institution, school, or Public Park within the City of Los Angeles. No person shall cause or permit the establishment or maintenance of more than one adult entertainment business in the same building, structure or portion thereof, or the increase of floor area of any adult entertainment business in any building, structure or portion thereof containing another adult entertainment business.

No person shall cause or permit the establishment, or substantial enlargement of an adult entertainment business within 500 feet of any lot in a "A" or "R" zone, or within the "CR", "C1", or "C1.5" zones in the City of Los Angeles."

THAT in consideration for the granting of this permit, I/We do hereby agree:

1. That our intention is to present live bands and DJs [Type of Entertainment] and that we will take whatever measures necessary to prevent the exhibition of less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the tope of the areolas;

2. That we will take whatever measures necessary to prevent the live bands and DJs [Type of Entertainment] from including the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts, or masturbation, actual or simulated;

3. That we will remove and not use the advertising of the prior owner or any other sign or advertisement which purports to describe the entertainment/shows as "Nude Dancing" or in any other way as being sexually oriented.

I/We, Mitchell Frank, Ezra Callahan, ~~Matt Steinberg, David Isen, Morgan Margolis, Ellen Jacobs~~, Stephen Hendel have read the above conditions and have discussed them with members of the Police
[Name(s)]
Commission Investigation staff and fully understand them. The full text of the Los Angeles Municipal Code is available through the City's website at www.cityofla.org. I/We have received a copy of this agreement.

Date	Print Name	Signature
7/30/14	Mitchell Frank	

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Agreement CES

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Date	Print Name	Signature
7-24-14	EZRA CALLAHAN	

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7/31/14	Stephen Hendel	Stephen Hendel

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