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April 26, 2022

Vlady Sheynin (A & O)
Grafton Pacific DEV LLC
13949 Ventura Boulevard, Suite 350
Sherman Oaks, CA 91423

Vicrim Chima (R)
Elizabeth Peterson Group
400 South Main Street, #808
Los Angeles, CA 90013

CASE NO. ZA-2021-6356-CUB
CONDITIONAL USE - ALCOHOL
1605 West Grafton Street, Unit #102A
Silver Lake – Echo Park – Elysian Valley
Community Plan
Zone: [Q]C2-1VL
C.D: 13
D.M.: 141A209
CEQA: ENV-2021-6357-CE
Legal Description: Lots 4 & 5, Block 4,
P.M. SCOTT TRACT

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

a Conditional Use to allow the sale and dispensing of beer and wine for off-site consumption, in conjunction with a proposed retail store/bottle shop,

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 specically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in the case file.
7. Authorized herein is the sale and dispensing of beer and wine for off-site consumption, in conjunction with a proposed 1,759 square-foot retail store/bottle shop. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 8:00 a.m. to 12:00 a.m., Sunday through Thursday, and 8 a.m. to 2 a.m., Friday and Saturday.
8. After hours use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. The applicant may file a Plan Approval after a minimum of one year of operating with an Alcoholic Beverage Control License at the subject site. The Plan Approval allows the Zoning Administrator to review the operation for Condition Compliance, and consider any requests to modify conditions of this grant.

10. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
11. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

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

12. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
13. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department “Standardized Training for Alcohol Retailers” (STAR) or Department of Alcoholic Beverage Control “Licensee Education on Alcohol and Drugs” (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcoholic Beverage Control to issue a letter to the Department of City Planning identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
14. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
15. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
16. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the LAMC (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain

an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.

17. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
18. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
19. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security
20. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
21. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
22. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
23. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
24. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
25. The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays

or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

26. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.

ADMINISTRATIVE CONDITIONS

27. **Expedited Processing Section.** 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.
28. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
29. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.

30. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

31. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **MAY 11, 2022**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

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

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

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

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on December 7, 2021, 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 approval under the provisions of Section 12.24-W,1 have been established by the following facts:

BACKGROUND

The subject property is a slightly sloping, rectangular parcel of land consisting of two lots along the intersection of Grafton Street and Echo Park Avenue within the Echo Park and Victor Heights neighborhoods. The subject property totals approximately 14,041 square feet of lot area with 135 feet of frontage on the northerly side of Grafton Street and 91.65 feet of frontage along the westerly side of Echo Park Avenue.

The subject property is developed with a new three-story mixed-use building that includes ground floor retail uses along with residential units. While the development is still under construction, the subject property obtained the necessary building permits and Certificate of Occupancy in 2019 under Building Permit No. 16010-10000-04687. The Applicant represents one of the ground floor retail tenants which will be oriented towards Echo Park Avenue and Grafton Street on the northwest corner. The operation will be a small-scale retail store and bottle shop with the sale of beer and wine only. No new construction is proposed and, as such, no additional parking will be provided as part of the request herein.

The project site is located within the Silver Lake – Echo Park – Elysian Valley Community Plan area. The Community Plan designates the subject property for Neighborhood Commercial land uses, corresponding to the C1, C1.5, C2, C4, and RAS3 Zones. The project site is zoned [Q]C2-1VL and is thus consistent with the existing land use designation. The Qualified “Q” Condition, established pursuant to Ordinance No. 176,825

which became effective on August 27, 2005, requires new structures to conform to certain development standards and prohibits auto-related uses, recycling centers, and drive-through windows. The subject property is also located within a Transit Priority Area in the City of Los Angeles (ZI-2452). There are no other specific plans, overlays, or interim control ordinances that pertain to the project site.

The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine for off-site consumption in conjunction with a proposed 1,759 square-foot retail store and bottle shop. The proposed hours of operation are from 8:00 a.m. to 2:00 a.m., daily.

SURROUNDING PROPERTIES

The surrounding area is fully developed and substantially surrounded by residential, commercial, and institutional uses. The project site is situated along Echo Park Avenue which is a local commercial corridor servicing both the immediate and neighboring areas. Properties to the north are zoned [Q]C2-1VL and developed with three- and four-story mixed-use buildings that include active ground floor commercial uses with residential units on top. Properties to the east are zoned [Q]C2-1VL and developed with single-family dwellings, small lot homes, and two-story commercial buildings. Properties to the south across Grafton Street are zoned [Q]C2-1VL and developed with a mix of single-family and multi-family residential uses and low-scale commercial buildings. Properties to the west are zoned RD1.5-1VL and developed with single- and multi-family residential buildings.

STREETS

Echo Park Avenue, adjoining the subject property to the east, is a designated Collector, dedicated to a right-of-way width of 70 feet along the project's street frontage and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Grafton Street, adjoining the subject property to the south, is a designated Local Street – Standard, dedicated to a right-of-way width of 60 feet and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

Building Permit No. 16010-10000-04687 – On November 9, 2018, the Department of Building and Safety issued a Building Permit and Certificate of Occupancy for a new three-story mixed-use building with one level of subterranean parking, ground floor retail and residential lobby, and 35 dwelling units.

Previous Cases on Surrounding Properties

Upon utilizing a 500-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), staff identified the following Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages.

Case No. ZA-2016-2144-CUB – On November 18, 2016, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine for on-site and off-site consumption in conjunction with a proposed restaurant in the [Q]C2-1VL Zone, located at 1507-1509 North Echo Park Avenue.

PUBLIC CORRESPONDENCE

On December 7, 2021, staff received an email from Caitlin Bauler, a nearby resident, expressing opposition for the project.

On December 7, 2021, staff received an email from Clint Hanaway, a nearby resident, expressing opposition for the project.

On December 7, 2021, staff received two emails from Julia McAlee, a nearby resident, expressing opposition for the project.

On December 7, 2021, staff received an email from Rebecca Biggers, a nearby resident, expressing opposition for the project.

On December 14, 2021, staff received an email from Sarah Mosier, a nearby resident, expressing opposition for the project.

On December 7, 2021, staff received an email from Julia McAlee, a nearby resident, expressing opposition for the project.

On December 7, 2021, staff received an email from Brian Hewitt, a nearby resident, expressing support for the project.

On December 7, 2021, staff received an email from Brian Hewitt, a nearby resident, expressing support for the project.

On December 7, 2021, staff received an email from Michelle Durand, a nearby resident, expressing opposition to the project.

On December 6, 2021, staff received an email from Kevin Chang, a resident of Echo Park, expressing opposition to the project.

Staff received a letter from the Echo Park Neighborhood Council, dated November 30, 2021, expressing unanimous support for the project.

On November 17, 2021, staff received a letter from Cindy Yung, a nearby property owner, also in opposition to the project's proposed hours of operation lasting until 2:00 a.m. due to complaints over public drunkenness.

On November 16, 2021, staff received a letter from William Little, a property owner of a nearby church, opposing the project's proposed operating hours lasting until 2:00 a.m.

PUBLIC HEARING

A public hearing was held before the Zoning Administrator on December 7, 2021 at 10:00 a.m. Due to concerns over COVID-19, the hearing was conducted entirely telephonically. There were seven individuals who attended the meeting. The applicant's representative, Nik Hlady, made the following statements:

- The applicant is requesting a new conditional use permit for the sale of beer and wine for off-site consumption in conjunction with a retail bottle shop.
- The site is located at the northwest corner of Grafton Avenue and Echo Park Avenue.
- The bottle store will be located at the ground floor of a new building.
- This part of Echo Park includes commercial and residential uses.
- The hours of operation are from 8 a.m. to 2 a.m., daily. The applicant is seeking maximum flexibility for the future tenant, although 2 a.m. closing time will not likely reflect actual operating hours.
- The proposed use will occupy the retail component in a new mixed use building with 35 residential units.
- This is an amenity that would serve the local community and activate the corner of Echo Park Boulevard and West Grafton Street. The project is neighborhood scaled and neighborhood serving.
- The building is parked to Code. On-site parking for existing ground floor uses are as follows: Seven spaces are required. There are seven spaces provided with six long term bike spaces and two short term bike spaces.
- The property owner is in discussion with a number of tenants along the lines of Psychic Wines, Silverlake Wine and VinoVore.
- There will be a corner entrance and the building is oriented to commercial uses.
- The site is along an active commercial corridor stretching up from Sunset Boulevard with nearby residential uses.
- The site will allow the project to bring a retail space with an entrance oriented to keep pedestrian and commercial activity towards Echo Park Avenue.
- The first floor plan shows that the project will be at a corner retail space with required parking on the ground level, accessible from Grafton Street.
- There will be corner entrance.
- Outreach includes the Echo Park Neighborhood Council Planning and Land Use Committee on November 17. They voted unanimously to recommend approval of the project. The Echo Park Neighborhood Council Full Board voted unanimously to adopt the recommendation on November 23.
- Council District 13 has been informed of the project and been kept apprised of all outreach to the Echo Park Neighborhood Council and LAPD in advance of the hearing.
- We are coordinating with the Northeast Division Vice Officer for input.
- The occupation of the retail space is critical to promoting the mixed-use idea, shortening trips for residents and providing a diverse set of uses that are easily accessible

- Ownership is currently negotiating for a permanent tenant but the character of the shop presents as a neighborhood-serving boutique, with a curated selection of beers and wine.
- The quality of the future tenant within a new contemporary building will contribute economically and aesthetically to the block, the Echo Park Ave commercial corridor north of Sunset Boulevard and the neighborhood as a whole.

During the comment portion of the hearing, five speakers provide public testimony.

The first speaker, Andrew, a neighbor who lives next door to the subject site, stated crime in the area is rising. There are businesses selling alcohol late into the night. Wherever alcohol is sold, there is an increase in crime. There is a study by Kaiser Permanente showing a high correlation between alcohol outlets and violent crime. Most crimes occur between 8 p.m. to 4 a.m.

The second speaker, Brian Hewitt, a neighbor who lives next door to the subject site, stated support for the project. There are not many options that sell alcohol within walking distance of the area. This helps make the community more walkable. The applicant will be bringing in a higher quality operator. There is a history of putting liquor stores and strip places in colored communities and this impoverishes the community.

The third speaker, Clint Hanaway, a resident who lives next door to the subject site, stated opposition to the project. He said he doesn't see how the store would activate the corner. There is a Von's 20 minutes away. There is an Italian restaurant that is a seven minute walk from the site. The site is located between two middle schools and one church. He has seen people steal from the gas station. He worked in bars and restaurants and it is safe to assume there will be higher crime with the project. He spoke with other residents and they are not excited about the project.

The fourth speaker, Ana Stretchin, a resident of an apartment complex near the site, stated she is not happy about this project. The area lacks parking and she expressed concern of what store might be brought into the community. There is a restaurant down the street that sells wine. There has been an increase in crime in the neighborhood. There have been assaults in the store below. The site is near a church and two schools, Residents across the street would be fully exposed.

The fifth speaker, Ansis Hoheisel, Planning Deputy for CD13, stated he is waiting to hear from LAPD's Sr Vice Officer, who is out of the office. He requested that the case be taken under advisement until LAPD comments.

The Applicant's representative responded to the comments by stating that the project would activate the space and bring lighting and a bright use. The intent is to bring an artisanal curated wine store and patrons other will not likely drink at the corner. The location is great and can be a real amenity to Echo Park. We welcome LAPD's comments. The project is parked to Code. Elizabeth Peterson Group is very familiar with alcohol sales and we would provide coaching to bring Best Practices for alcohol sales in addition

to training required for employees by LAPD. There will be security and the project will have a positive impact.

At the conclusion of the public hearing, the Zoning Administrator took the case under advisement to allow LAPD to comment and submit recommended conditions.

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

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

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

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 of the Los Angeles Municipal Code. In order for the sale and dispensing of beer and wine for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

CONDITIONAL USE FINDINGS

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

The conditional use authorizes the sale and dispensing of beer and wine for off-site consumption in conjunction with a proposed 1,759 square-foot retail store and bottle shop. The requested hours of operation are from 8:00 a.m. to 2:00 a.m., daily.

The project will enhance the built environment in the surrounding neighborhood by activating a vacant storefront and promoting a pedestrian-oriented public realm. The project site is located along Echo Park Avenue which is an active and local commercial corridor commercial characterized by small-scale, neighborhood-serving retail and restaurant options. The subject property has been under construction and development for several years but is heavily trafficked during most hours of the day. The project would activate this storefront which is situated at the intersection of Echo Park Avenue and Grafton Street and surrounded by residential uses and an assortment of small-scale neighborhood-serving commercial uses. The project would provide a retail storefront with high transparency so passersby can easily browse from outside or meander into the store while shopping or commuting. The neighboring tenants include local retail stores, cafes, markets, and a sit-down restaurant which also services alcoholic beverages and features a significant amount of sidewalk dining. This project would help contribute to this existing pedestrian-oriented streetscape and increase public safety through “eyes on the street.”

The project will also provide a service that is beneficial to the surrounding community by introducing a retail/bottle shop featuring selectively curated assortments of beers and wines. The project would provide a high-quality amenity that is easily accessible for visitors and nearby residents alike. The proposed operation would activate the corner and contribute to the bustling and vibrant atmosphere along Echo Park Avenue. The proposed use is a desirable amenity that is compatible with surrounding businesses and residences. While Sunset Boulevard remains Echo Park’s primary locus of activity, the proposed project would add a neighborhood-scale service closer to many residential neighborhoods in the Elysian Valley community. In consideration of the public testimony and neighbors’ concerns, the Zoning Administrator restricted the hours of operation Sunday through Thursday till 12 a.m., and allowed a 2 a.m. closing operation for Friday and Saturday.

Therefore, the instant grant of the subject request will enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial and compatible to the community, city, or region.

2. **The project’s location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject property is a slightly sloping, rectangular parcel of land consisting of two lots along the intersection of Grafton Street and Echo Park Avenue within the Echo Park and Victor Heights neighborhoods. The subject property totals approximately 14,041 square feet of lot area with 135 feet of frontage on the northerly side of Grafton Street and 91.65 feet of frontage along the westerly side of Echo Park Avenue.

The subject property is developed with a new three-story mixed-use building that includes ground floor retail uses along with residential units. While the development is still under construction, the subject property obtained the necessary building permits and Certificate of Occupancy in 2019 under Building Permit No. 16010-10000-04687. The Applicant is in the process of securing a retailer for the subject ground floor retail space, which will be oriented towards Echo Park Avenue and Grafton Street on the northwest corner. The operation will be a small-scale retail store and bottle shop with the sale of beer and wine only. The operation will be part of the development under construction and the store will not require any additional parking spaces.

The surrounding area is fully developed and substantially surrounded by residential, commercial, and institutional uses. The project site is situated along Echo Park Avenue which is a local commercial corridor servicing both the immediate and neighboring areas. Properties to the north are zoned [Q]C2-1VL and developed with three- and four-story mixed-use buildings that include active ground floor commercial uses with residential units on top. Properties to the east are zoned [Q]C2-1VL and developed with single-family dwellings, small lot homes, and two-story commercial buildings. Properties to the south across Grafton Street are zoned [Q]C2-1VL and developed with a mix of single-family and multi-family residential uses and low-scale commercial buildings. Properties to the west are zoned RD1.5-1VL and developed with single- and multi-family residential buildings.

The Conditional Use Permit allows the sale and dispensing of beer and wine for off-site consumption in conjunction with a proposed 1,759 square-foot retail store and bottle shop. The hours of operation have been conditioned to be from 8:00 a.m. to 12:00 a.m., Sunday through Thursday, and from 8:00 a.m. to 2 a.m., Friday and Saturday. The Zoning Administrator also included a condition that allows the applicant to file a Plan Approval after operating a minimum one year with an Alcoholic Beverage Control license. This enables the applicant to request changes to any of the imposed conditions, and allows the Zoning Administrator to review the operation for Condition Compliance, and make appropriate changes to any of the conditions. The use and location of this neighborhood-serving project are appropriate given the context as well as the policies and zoning governing the project site. The project is not requesting any live entertainment, karaoke, or patron dancing. There is also no fixed seating proposed in this 1,759 square-foot store. The Applicant is only seeking approval for the sale and dispensing of beer and wine for retail sale within a modestly sized retail shop. The project location is highly trafficked and convenient as there are many other neighborhood-scale commercial uses along the same stretch. Conditions have also been imposed to encourage responsible management, deter criminal activity, and ensure compatibility with the surrounding neighborhood. Employees will be required to undergo training to sell and dispense alcohol. Surveillance cameras and a complaint log will be required for the operation. As such, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further

degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Silver Lake – Echo Park – Elysian Valley Community Plan area. The Community Plan Area Map designates the property for Neighborhood Commercial land uses, with corresponding zones of the C1, C1.5, C2, C4, and RAS3 Zones. The project site is zoned [Q]C2-1VL and is thus consistent with the existing land use designation.

The Community Plan contains the following goals, objectives, and policies:

Goal 2: An economically vital commercial sector and strong viable commercial areas that offer a diversity of goods and services to meet the needs of the community in the plan area. Commercial areas should satisfy market demand, maximize convenience and accessibility while preserving and enhancing the unique historic and cultural identities of the district.

Objective 2-1: Conserve and strengthen viable commercial development and encourage the reuse of obsolete commercial development.

Policy 2-1.1: New commercial uses shall be located in established commercial areas, emphasizing more intense and efficient use of existing commercial land, ultimately contributing to and enhancing the existing urban form and village atmosphere.

Policy 2-3.1: Proposed developments should be designed to enhance and be compatible with existing adjacent development.

Policy 2-3.4: Preserve community character, scale and architectural diversity.

Policy 2-4.1: Ensure that commercial infill projects achieve harmony with the best of existing development.

The requested entitlement is for a conditionally permitted use, and thus does not propose to deviate from any of the requirements of the LAMC. The project involves an existing commercial building that is located along Echo Park Avenue, which is an important and active commercial corridor servicing the local community. The project will take the form of a retail storefront located on the ground floor of a mixed-use building which will enhance the existing urban form and village atmosphere. The neighborhood serving project will also promote economic viability of the commercially planned and zoned land while preserving the unique character of the existing neighborhood.

Approval of the sale and dispensing of beer and wine for off-site in conjunction with the operation of a retail store/bottle shop would further extend the amenities and choices of specialty beverages available to residents and visitors of the central Los Angeles area. The immediately surrounding area is characterized by small neighborhood-serving uses; the proposed beer and wine retail service would complement this existing land use pattern. In consideration of neighbors' concerns, the Zoning Administrator reduced the hours of operation from 8:00 a.m. to 12:00 a.m., Sunday through Thursday, to allow for the subject store to be compatible with surrounding uses. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan.

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

The subject property is located in the C2-1VL Zone, where conditional authorization for the sale of beer and wine for off-site consumption is allowed through the approval of the Zoning Administrator subject to certain findings. The commercial retail use is permitted by-right and is appropriate given the surrounding context and general plan land use designation. The project is not proposing any public dancing, karaoke, or live entertainment, but rather proposing the offering of specialty beer and wine for patrons to take home with them. The project is a pedestrian-friendly development that is located in an important commercial corridor planned for commercial uses and builds upon a successful commercial area. Given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the proposed conditional use.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of alcoholic beverages

including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program, Department of Alcoholic Beverage Control Licensee Education on Alcohol and Drugs (LEAD) Program, or the Responsible Beverage Service (RBS) Training Program. In addition, the Zoning Administrator has imposed numerous conditions to integrate the use into the community as well as protect community members from adverse potential impacts. The applicant is proposing a beer and wine retail store without any fixed seating that is modest in size and has minimal potential for noise impacts and other nuisance-type activity. All activity occurring on the subject premises will be required to adhere to the imposed conditions as well as the City's Noise Ordinance. The City's conditions of approval and any conditions by the California Department of Alcoholic Beverage Control are intended to protect the public health, welfare and safety of the community. Therefore, it is expected that the sale and dispensing of beer and wine for off-site consumption in conjunction with a proposed retail store/bottle shop will not adversely affect the welfare of the pertinent community.

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

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, there are three (3) on-site and two (2) off-site licenses allocated for the subject tract (Census Tract No. 1974.20). Currently, there are ten (10) active on-site licenses and one (1) active off-site licenses in this census tract.

Within 1,000 feet of the subject site, there are two (2) alcohol-selling retail establishments with licenses for on-site consumption.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. However, concentration is not undue when the approval of a license provides a public service and benefits the community. In this case, the granting of the application will not result in undue concentration as the project will enable the provision of an additional service and destination to complement the neighborhood. The number of existing off-site sale licenses will not be exceeded by this grant. Alcohol-serving establishments are expected in an area, which functions provide a neighborhood serving use along with other commercial services and amenities. The number of off-site ABC licenses allocated in the subject tract would not be exceeded given that there is only one other off-site ABC license in the same census

tract. Nevertheless, in active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by significant employee population, in addition to the increasing resident population base in the area. 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. The project will provide a valuable amenity and a desirable service that is compatible within the surrounding Echo Park neighborhoods.

According to statistics provided by the Los Angeles Police Department's Northeast Division Vice Unit, within Crime Reporting District No. 1183, a total of 134 crimes (119 Part I Crimes and 15 Part II Crimes) were reported in 2021, compared to the Citywide Average of 149 crimes and the High Crime Reporting District Average of 179 crimes for the same period. In 2021, there were (3) Narcotics, (0) Liquor Law, (1) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, and (2) Driving While Influence (DWI) related arrests, and (5) Other Offences. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The above statistics indicate that the crime rate in Reporting District 1183 is lower than the citywide average and the High Crime Reporting District Average. There has been no evidence submitted for the record, however, establishing any nexus between the subject site and the area's crime rate. The project will not adversely affect public welfare because it is a desirable use and convenient amenity in an area designated for such neighborhood-serving commercial uses. The Los Angeles Police Department did not submit communication in support of or opposition to the project despite the applicant's numerous efforts to receive correspondence from the LAPD. Nevertheless, conditions, such as those related to the STAR/LEAD/RBS Program, age verification, and security cameras, have been imposed by the Zoning Administrator in conjunction with this approval. Public safety measures to mitigate nuisance and criminal activities have been incorporated into the grant to assure better oversight. Further conditions may be imposed by the California Department of Alcoholic Beverage Control as conditions on the alcohol license. Therefore, as conditioned, the use is not expected to contribute to the area's crime rate or generate any nuisance activity and will not result in an undue concentration of establishments providing alcohol.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site is zoned for commercial uses and will continue to be utilized as such. The following sensitive uses are located within a 1,000-foot radius of the site:

Single-family Residential Uses

Multi-family Residential Uses

Condominium

Iglesia Pentecostalunida De Echo Park Church

1600 Morton Avenue

Logan Street Elementary School

1711 Montana Street

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The project site is located in a heavily urbanized and fully developed neighborhood in Echo Park and Elysian Valley. The project has been conditioned to be compatible with such uses as it is only requesting beer and wine for retail sales. In addition, the project is a small-sized, neighborhood-serving establishment that is situated along an important commercial node with many similar uses nearby. Thus, the project is unlikely to have any direct impact on any sensitive use.

The grant has been well conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. Alcoholic beverage sales will be strictly monitored and regulated. There is no dancing, karaoke, or live entertainment being proposed. The project is consistent with the zoning and is in keeping with the existing uses adjacent to the development. The project will contribute to the greater community and will serve neighboring residents and local employees as well as visitors. Therefore, as conditioned, the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved.

ADDITIONAL MANDATORY FINDINGS

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

Inquiries regarding this matter shall be directed to Esther Ahn, Planning Staff for the Department of City Planning, at (213) 978-1486.



HENRY CHU

Associate Zoning Administrator

HC:EA:bk

cc: Councilmember Mitch O'Farrell
Thirteenth Council District
Adjoining Property Owners

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20220838559



Pages:
0010

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

08/23/22 AT 08:00AM

FEES :	46.00
TAXES :	0.00
OTHER :	0.00
SB2 :	75.00
PAID :	121.00



LEADSHEET



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013619751

SEQ:
01

SECURE - 8:00AM



THIS FORM IS NOT TO BE DUPLICATED

BELLSEPERTER

RECORDING REQUESTED BY

Elizabeth Peterson Group
When Recorded Mail to:Name: Elizabeth Peterson GroupAddress: 400 S Main Street, #808Los Angeles, CA 90013

Space Above This Line Reserved For Recorder's Use

COVENANT AND AGREEMENT

The undersigned hereby certifies I am (we are) the owner(s) of the hereinafter legally described property located in the City of Los Angeles, County of Los Angeles, State of California (please give the legal description, if the property has a complex legal description attach the legal description on a separate page(s)):

Legal Description Lots 4 & 5, Block 4, P.M. SCOTT TRACTSite Address 1605 West Grafton Street, Unit #102A, Los Angeles, CA 90026

That in consideration of the Approval of Case No. ZA-2021-6356-CUB by the Department of City Planning, I (we) do hereby promise, covenant and agree to and with the City of Los Angeles and the Department of City Planning of said City that to the extent of our interest, I (we) acknowledge and will comply with Conditions Nos. 1 through 31 (see attached).

This covenant and agreement shall run with the land and shall be binding upon any future owners, encumbrancers, their successors, heirs or assigns and shall continue in effect until the Department of City Planning of the City of Los Angeles approves its termination.

Grafton Pacific Dev LLC

KARL SLOVIN

Print Name of Property Owner

Authorized Signer

Signature of Property Owner

K. SLOVIN

Print Name of Property Owner

Signature of Property Owner

Print Name of Property Owner

Signature of Property Owner

Dated this 28 day of April, 2022

FOR CITY PLANNING USE ONLY

Case Number: ZA-2021-6356-CUBCondition Number(s): 1-31and/or Ordinance Number: N/AApproved for Recording by the Undersigned on this Date: MAY 24, 2022Print Name: OMAR GAUCIASignature: [Signature]

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On July 11, 2022 before me, Lydie L. Alday-Lyons, Notary Public
(Insert Name of Notary Public and Title)

personally appeared Karl Slovin,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

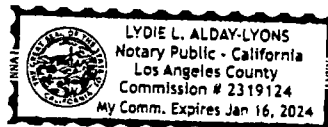
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, ROOM 763
LOS ANGELES, CA 90012-4801
(213) 978-1318

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

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CALIFORNIA



ERIC GARCETTI
MAYOR

LOS ANGELES DEPARTMENT
OF CITY PLANNING
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DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

planning.lacity.org

April 26, 2022

Vlady Sheynin (A & O)
Grafton Pacific DEV LLC
13949 Ventura Boulevard, Suite 350
Sherman Oaks, CA 91423

Vicrim Chima (R)
Elizabeth Peterson Group
400 South Main Street, #808
Los Angeles, CA 90013

CASE NO. ZA-2021-6356-CUB
CONDITIONAL USE - ALCOHOL
1605 West Grafton Street, Unit #102A
Silver Lake – Echo Park – Elysian Valley
Community Plan
Zone: [Q]C2-1VL
C.D: 13
D.M.: 141A209
CEQA: ENV-2021-6357-CE
Legal Description: Lots 4 & 5, Block 4,
P.M. SCOTT TRACT

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

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

a Conditional Use to allow the sale and dispensing of beer and wine for off-site consumption, in conjunction with a proposed retail store/bottle shop,

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 specially varied or required.

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2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in the case file.
7. Authorized herein is the sale and dispensing of beer and wine for off-site consumption, in conjunction with a proposed 1,759 square-foot retail store/bottle shop. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 8:00 a.m. to 12:00 a.m., Sunday through Thursday, and 8 a.m. to 2 a.m., Friday and Saturday.
8. After hours use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
9. The applicant may file a Plan Approval after a minimum of one year of operating with an Alcoholic Beverage Control License at the subject site. The Plan Approval allows the Zoning Administrator to review the operation for Condition Compliance, and consider any requests to modify conditions of this grant.

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10. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
11. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24 hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
12. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
13. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter to the Department of City Planning identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
14. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
15. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
16. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the LAMC (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain

- an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
17. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
 18. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
 19. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security
 20. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
 21. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
 22. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
 23. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
 24. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
 25. The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays

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or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

26. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.

ADMINISTRATIVE CONDITIONS

27. **Expedited Processing Section.** 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.
28. **MVIP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
29. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.

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30. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

31. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

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- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

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