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Decision Date: June 13, 2023

Last Day to Appeal: June 28, 2023

Brion Brinson (A)
Little Lands Wines
11025 Mountair Avenue
Tujunga, CA 91042

Offer Grinwald (O)
15445 Ventura Boulevard, #302
Sherman Oaks, CA 91403

Vicrim Chima (R)
Sage Consulting LA, LLC
548 South Spring Street, #209
Los Angeles, CA 90013

CASE NO. ZA-2023-1650-CUB
CONDITIONAL USE
1616 West Yosemite Drive (1616-1620
West Yosemite Drive, 4745-4753 North
Townsend Avenue)
Northeast Los Angeles Community Plan
Zone: [Q]C1-1XL
C.D.: 14 – De León
D.M.: 160-5A225
CEQA: ENV-2023-1651-CE
Legal Description: Lots 6-8,
Blackmer 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 Section 15305, Class 5 (Minor Changes in Land Use Limitations), 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 Section 12.24 W.1, I hereby APPROVE:

a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption and the sale of beer and wine for off-site consumption in conjunction with a wine retail store and tasting room in the [Q]C1-1XL Zone;

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs, or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of wine only for on-site (for tastings) and off-site consumption in conjunction with a 1,480 square-foot wine retail store and tasting room in the [Q]C1-1XL Zone. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 12:00 p.m. to 10:00 p.m. daily.
 - b. A maximum seven special events are permitted annually (Calendar Year) with hours of operation permitted from 12:00 p.m. to 12:00 a.m.
 - c. Indoor seating shall be limited to a maximum total of 10 seats provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.

Note: The applicant shall obtain the appropriate State Department of Alcoholic Beverage Control authorization for the sale and dispensing of wine for on-site consumption for the maximum allowed seven special events for each calendar year.

8. After hour use shall be prohibited, except routine clean-up, food preparation, construction, inventory or other maintenance type activities. 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. 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.
10. 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.
11. There shall no Adult Entertainment of any type pursuant to LAMC Section 12.70.
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. 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.
14. Complaint Log. Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians.
 - b. Customer service desk, front desk or near the hostess station.

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.

15. **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 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.

16. 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.
17. 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.
18. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
19. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
20. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
21. 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.
22. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (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.
23. **Private Events.** Any use of the premises 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 all the same provisions and hours of operation stated herein.

24. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
25. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
26. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows. Entertainment in conjunction with the establishment is limited to ambient music and shall be limited to background music at a low volume. Independent, professional or amateur disc jockeys are not allowed.
27. 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.
28. 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.

ADMINISTRATIVE CONDITIONS

29. **Expedited Processing Section Fee.** 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.
30. **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.

31. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
32. A Plan Approval shall be required if there is any change in the property ownership and/or the business owner/operator for these premises, so as to evaluate the applicability of existing conditions and any review of potential changes in the mode and character of the new operation. Prior to any review, the local neighborhood council shall be notified and provided an opportunity for review and recommendation.
33. At any time during the period of validity of this grant, if it is determined that the operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application together with associated fees. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
34. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

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 public comments received 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 and prerequisites for approving a conditional use as enumerated in Section 12.24 of the Municipal Code have been established by the following facts.

BACKGROUND

The applicant is requesting a Conditional Use to allow the sale and dispensing of wine only for on- and off-site consumption, in conjunction with a proposed 1,480 square-foot wine retail store and tasting room with 10 indoor seats. Proposed hours of operation are from 10:00 a.m. to 10:00 p.m. daily, with the exception of a certain number of special events, which are proposed to run until 12:00 a.m. on those days of operation.

The subject property is a rectangular parcel of land encompassing a total of approximately 7,603 square feet. The property is located at the southwestern corner of Yosemite Drive and Townsend Avenue and has street frontages of approximately 72.5 feet along the southern side of Yosemite Drive and approximately 105 feet along the western side of Townsend Avenue.

The subject property is located within the boundaries of the Northeast Los Angeles Community Plan Area. The Community Plan designates the subject property for Neighborhood Commercial land uses corresponding to the C1, C1.5, P, C2, C4, and RAS3, Zones. The project site is currently zoned [Q]C1-1XL and is thus consistent with the underlying land use designation. The Qualified "Q" Conditions on the subject property, established under Ordinance No. 173,606 effective November 15, 2000, limits residential development and density. The subject property is located within the East Los Angeles State Enterprise Zone (ZI-2129) and a Transit Priority Area in the City of Los Angeles (ZI-2452). There are no other specific plans, overlays, or interim control ordinances pertaining to the project site.

The subject property is currently developed with two existing residential and commercial buildings; the project site is a ground floor commercial tenant space in the larger of the two buildings, fronting Yosemite Drive. The project is for alcoholic beverage service in conjunction with a new wine retail store and tasting room which proposes to occupy a currently vacant tenant space. No new construction is proposed, and no additional parking will be provided as part of the request herein.

The surrounding area has relatively level to gently-sloping topography and is developed with buildings and improved streets. The subject property is located in a relatively small commercial intersection at Yosemite Drive and Townsend Avenue surrounded by a variety of single- and multi-family mixed residential neighborhoods. Immediately adjacent to the subject property are a four-story apartment complex to the north and a one-story residence to the south, zoned R1-1; and a private club building to the east and a two-story apartment building to the west, zoned [Q]C1-1XL.

Streets

Yosemite Drive, adjoining the subject property to the north, is a designated Avenue III, and is currently dedicated to a varying right-of-way width of approximately 70 to 78 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

Townsend Avenue, adjoining the subject property to the east, is a designated Collector, and is currently dedicated to a right-of-way width of 55 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

Relevant Previous Cases, Affidavits, and Orders on the Subject Property:

There are no relevant previous cases on the subject property.

Relevant Cases on Surrounding Properties:

Staff utilized a 1,000-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with alcohol-related conditional use approvals. The following case was identified to be within 1,000 feet of the subject property:

Case No. ZA-1987-27-CUB – On May 8, 1987, the Zoning Administrator approved a Conditional Use Permit for the Fraternal Eagles Lodge located at 1596 West Yosemite Drive.

PUBLIC CORRESPONDENCE

Planning staff received a letter from the Eagle Rock Neighborhood Council dated May 23, 2023 expressing support for the project.

PUBLIC HEARING

A public hearing was held before the Zoning Administrator on June 6, 2023, at 11:00 a.m. Due to COVID-19 and continued concerns that meeting in person would present imminent risks to the health and safety of the attendees, the hearing was conducted entirely through Zoom.

The hearing was attended by the applicant's representative, Vicrim Chima of Sage Consulting LA, the applicant, Brion Brinson, and five others from the community.

Mr. Chima made the following statements:

- This is a new application for a conditional use for beverage at 1616 West Yosemite Drive in the Eagle Rock neighborhood in the Northeast Los Angeles Community Plan area.
- The site is on the southwest corner of Yosemite drive and Townsend Avenue. There are streetlights and pedestrian crosswalks. On the site, there are existing

housing, four units, and ground floor retail space, the space we're most concerned of today.

- We are on a strip of commercial uses surrounded by essentially multi-family residential and single family residential.
- The applicant/owner are very aware of mitigating impacts and being considerate to the adjacent neighbors operationally.
- There's no change to the residential structures.
- There are the apartments and the additional retail space that are out of scope and this will be where the tenant improvement and some exterior improvements would occur in the future.
- The retail space exists on the first floor and the remaining housing units are built over the property.
- The applicant requests the on- and off-site sale of wine and limited on site tastings in conjunction with a 1,480 square-foot retail market with the 10 indoor seats.
- The applicants requesting permission to for sales from 12:00 PM to 10:00 PM.
- Daily on-site tastings would occur during normal operating hours.
- We also request 7 special events per calendar year to extend their on-site tastings from normal operational hours which would end at 10:00 pm to 12:00 a.m., midnight. This has been discussed with planning.
- There is no outside parking or on-site parking requirement for LADBS and there's no change in the existing housing on-site. The previous use was discontinued in 2020.
- The floor plan shows 10 total seats within the new testing area. That would be utilized again during normal business hours and for and some events for special occasions but largely used during business hours and a multi-functional area.
- The concept for the wine bar is to be really a community centered place where there can be discussion and there can be held some kind of kind of alternative community based events in that space as well.
- A specific policy in the Northeast Los Angeles Community Plan states that strong and competitive commercial areas that suitably serve the needs of the community and attract customers from outside the planned area by satisfying market demands and maximizing convenience and accessibility while preserving unique historical and cultural identities of each commercial area.
- This is a long standing mixed-use building that has a lot of neighborhood commercial appeal and ties and the owner and operator is looking to basically update and continue that connection with the community with the mixed-use structure.
- The project has the opportunity to draw not only local but regional interest.
- The project promotes the economic and pedestrian revitalization of a significant intersection designed with amenities that would promote walking and contributing to public safety. We have an experienced owner and operator with the community based approach improving and modernizing the vacant space; Continuing the mix of uses that we've seen historically and commercially for the for the last several decades.
- Outreach includes the Eagle Rock Neighborhood Council's Planning and Land Use committee, and then the Board of Governors, which both for the project and enthusiastically and unanimously supported the application. We spoke with

LAPD's Northeast Vice LAPD representative where there was no opposition. We attempted to reach out to CD 14 and Gerald Gubatan, attempting to let him know about the community project on several occasions.

- (Brion Brionson) I've been working in wine and hospitality on the east side of Los Angeles and they moved to Los Angeles from New York in 2009. It's been a dream of mine to have a space where I can welcome people in and share the joys of food and beverage in a fun and environment that is inclusive and not stuffy like a lot of wine shops. I've spoken to many people who really utilize the below market and had close connections with the owners over the years, and that's tradition that I intend to carry. I don't have any corporate backing or any major investment from banks. It's just me and I'm a small group of investors really working to make something special for the neighborhood for the community. To bring a place where people and their kids and families in the neighborhood can come in and hang out have a glass of wine or kombucha for the kids and snacks from the market.

During the public comment portion of the public hearing, four speakers provided testimony.

The first speaker, Neil Gauger, a local homeowner and parent of two children, and former member of the Arroyo Seco Neighborhood Council, stated strong support for the requested conditional use permit. He stated the applicant is a dedicated professional and small businessman who successfully ran his business throughout the COVID-19 pandemic. This is a great opportunity for him to grow his business and bring a great benefit to the neighborhood. He had no concerns for this application, and no concerns that alcohol will be sold and consumed on the site since the prior business operated in the same space as well as the Eagle Rock Fraternal Order of Eagles across the street have engaged in those activities for many years without incident or harm to the neighborhood. This business space has been vacant for several years and the permit provides an opportunity for revitalization and property value growth within the neighborhood and moreover the business will bring additional foot traffic to the coffee shop and Community Center across the street. This is a great opportunity for our neighborhood.

The second speaker, Jeremy Sosenko, a homeowner in Eagle Rock, lives within walking distance of the site. He has two kids and has been in the neighborhood, since 2014. He is excited at the prospect of Brion Brionson and this wine store are opening in this market space. It's been several years since it's been lying fallow and it feels like one great thing about this neighborhood is that there have been a lot of new walkable establishments that feel very family oriented. There's the Eagle Theater that just opened, and that area of Yosemite seems like it's right now underserved in terms family-oriented places. It feels like it will be a huge enrichment to the neighborhood. He supports the project.

The third speaker, Sasu Siegelbaum, a resident of Eagle Rock, has been living in the neighborhood since 2018. He's known Brion for three years. He sells wine to him and has seen his commitment and passion to fostering the community through wine. He supports this new business as someone who wants to have more pedestrian access. He's seen the neighborhood's commitment to trying to provide

more inclusion and pedestrian opportunities. He lives about a half a mile away and walks his dog around there all the time. He's really excited to have a new spot to meet new folks and purchase wine at a vibrant community business.

The fourth speaker, Martina, stated she lives within walking distance from the site. that you're proposing and. She is concerned. One of the callers mentioned Fraternal Order of Eagles does have alcohol sales and they do have some events at that address. What happens when those events occur, there are parking issues. There have been issues where some induced people have urinated on the street. She is concerned of parking. There is a daycare across the street and the school is nearby. As a parent, she is opposed to having a winery at this location.

The applicant and representative responded by stating the following:

- We are adding two ADA compliant bathrooms
- I'm not familiar with the fraternal order.
- We all only have 10 seats for tastings. If going forward parking does become an issue in the neighborhood, I would want to address with either a valet or renting a lot or something to alleviate the burden on the community because again I'm not looking to be in the neighborhood and be an enemy or a source of concern.
- There was previously the last record for LADBS. There was a restaurant which is a higher intensity. We're lower in intensity catering to a smaller set of individuals.
- We're hoping to lessen that vehicle footprint.
- During special events, we would want to host something in the community.
- I recently participated in an event at the Eagle Rock women 's club and we had talked about doing events together so it was more just allowing some flexibility in the in the use of the space rather than.
- We're looking for flexibility with the special events to serve alcohol and go beyond the hours.
- This will be a Type 20 and Type 86 License.

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

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

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence

established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Conditional Use Permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale and dispensing of wine for on- and off-site consumption be authorized, certain designated findings have to be made.

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 allows the sale and dispensing of wine only in conjunction with a new wine retail store and tasting room. The subject property, located at the southwestern corner of Yosemite Drive and Townsend Avenue, is currently developed with two existing commercial and residential buildings; the project site is a vacant ground floor commercial tenant space within the existing two-story building located at the corner of Yosemite Drive and Townsend Avenue. The project is for alcoholic beverage service for on-site (tastings, Type 86) and off-site (Type 20) consumption in conjunction with a new wine retail store and tasting room which proposes to occupy the vacant tenant space.

The sale and dispensing of alcoholic beverages, in conjunction with the proposed new establishment, will increase the economic vitality of the area by occupying and activating a currently vacant commercial space. In doing so, the establishment will serve as a desirable and vibrant commercial use reactivating one of the few storefronts in this relatively small commercial intersection. In addition, the project will enable the property to provide an amenity and a unique experience for the local

community and greater region in the form of a specialty wine retail store and tasting room. Patrons can further utilize a wide range of alternative transportation methods such as walking, biking, and transit in this location. The restaurant would add an additional commercial service option to the neighborhood and bring an active neighborhood serving use to the area. Thus, the project will both provide a valuable community service and enhance the physical environment. The imposition of conditions addressing operational and alcohol-related issues will ensure that the project will not be disruptive to the surrounding community.

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

The subject property, located at the southwestern corner of Yosemite Drive and Townsend Avenue, is currently developed with two existing commercial and residential buildings; the project site is a vacant ground floor commercial tenant space within the existing two-story building located at the corner of Yosemite Drive and Townsend Avenue. The project is for alcoholic beverage service for on- and off-site consumption in conjunction with a new wine retail store and tasting room which proposes to occupy the vacant tenant space. The project requests the sale and dispensing of wine only incidental to the proposed wine retail store and tasting room.

The subject property is zoned and developed in a manner consistent with both the City's desired land use designation for the site and the surrounding area. The proposed commercial service use and the sale and dispensing of wine are all compatible with the designated land use and zone. In addition, the proposed establishment will enhance the site's location in a relatively small neighborhood-serving commercial intersection and complement the surrounding area, which includes other small neighborhood-serving commercial services surrounded by a wide variety of residential uses.

The project's operations and significant features will be compatible with the surrounding area, as no new construction or physical improvements are proposed. The indoor portion of the establishment would have 10 interior seats. The hours of operation for the 1,480 square-foot establishment would be 10:00 a.m. to 10:00 p.m. daily, with a limited and conditioned seven special events going until 12:00 a.m., midnight. During those special events, the applicant stated and implied alcohol may be served. The applicant will be required to receive the appropriate special or temporary license from the State's Department of Alcoholic Beverage Control for those special events. The applicant stated the operation will be utilizing a Type 86 for tasting and a Type 20 for off-site consumption. No live entertainment or dancing uses are proposed, and there are no deviations from the parking requirement requested.

The applicant stated about seven special would occur where the site would host events/meetings. The applicant will obtain any necessary permits or ABC licenses

for these special events since it was indicated that the applicant is obtaining a Type 20 license from ABC for off-site sales and a Type 86 license for tastings. This subject land use grant permits on-site sales and dispensing for on-site consumption, and sales for off-site consumption of wine.

As a specialty commercial service and retail establishment, the proposed operations are unlikely to have any significant adverse impacts. No new construction for the subject property is proposed, and there are no changes in any existing physical conditions or significant features, including parking. Thus, the project will not likely have any significant additional adverse impacts over the existing use and will be compatible with adjacent properties and the surrounding community. Nonetheless, conditions have been imposed to encourage responsible management and deter criminal activity. These conditions will ensure that the operation complies with all applicable regulations and that any aspects of the operation will not adversely affect the surrounding area. As conditioned, the operation of the proposed wine retail store and tasting room with the sale of wine only for on- and off-site consumption will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety and the development of the community.

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

The elements in the General Plan establish policies and provide the regulatory environment for managing the city and for addressing concerns and issues. The majority of the policies derived from the elements in the General Plan are in the form of Code Requirements, which collectively form the LAMC. The requested entitlement is for a conditionally permissible use, and thus does not propose to deviate from the requirements of the LAMC.

The subject property is located within the boundaries of the Northeast Los Angeles Community Plan Area. The Community Plan designates the subject property for Neighborhood Commercial land uses corresponding to the C1, C1.5, P, C2, C4, and RAS3, Zones. The project site is currently zoned [Q]C1-1XL, and is thus consistent with the existing land use designation. The proposed wine retail store and tasting room uses and the sale and dispensing of wine only are all consistent with this land use designation.

Additionally, the project is consistent with the following Goal and Objectives of the Community Plan:

GOAL 2: "STRONG AND COMPETITIVE COMMERCIAL AREAS THAT SUITABLY SERVE THE NEEDS OF THE COMMUNITY AND ATTRACTS CUSTOMERS FROM OUTSIDE THE PLAN AREA BY SATISFYING MARKET DEMAND AND MAXIMIZING CONVENIENCE AND ACCESSIBILITY WHILE PRESERVING UNIQUE HISTORIC AND CULTURAL IDENTITIES OF EACH COMMERCIAL AREA."

Objective 2-1: "To conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development."

The project supports the form and function of the project site and the surrounding area as a neighborhood-oriented commercial intersection. The sale and dispensing of wine only for on- consumption and sales for off-site consumption in conjunction with the proposed establishment, will increase the economic vitality of the area by occupying and activating a currently vacant commercial space. In doing so, the establishment will serve as a desirable and vibrant commercial use and will support the vitality of the surrounding pedestrian-oriented commercial district. In addition, the project will enable the property to continue to provide an amenity and a unique retail and wine tasting experience for the local community and greater region. Patrons can further utilize a wide range of alternative transportation methods such as walking, biking, and transit in this location. Additionally, the project follows an established pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding area, which include other neighborhood-serving commercial services at the intersection surrounded by a wide variety of residential 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.

Conditional authorizations for the sale and dispensing of alcoholic beverages are allowed through the approval of the Zoning Administrator, subject to certain findings. Given the scope of the Conditions and other limitations established herein, the surrounding land uses will not be significantly impacted by the requested conditional uses.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, noise prevention, and litter will safeguard the residential community. As a result of extensive public outreach and discussions with LAPD and the neighborhood, the project will further prevent any potential operational impacts and safeguard the community. Therefore, with the imposition of such conditions, the sale and dispensing of wine only for on-site consumption and sales of wine for off-site consumption at this location will not adversely affect the welfare of the surrounding community.

5. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration

to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, four on-site and two off-site consumption licenses are allocated to the subject census tract (Census Tract 1816). Currently, there are five active on site licenses (although there are only four distinct operators, with one operator holding two licenses) and one active off-site licenses total in this census tract.

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. Although the proposed project will result in the number of on-site licenses exceeding the number allocated to the subject census tract, a higher number of alcohol-serving establishments is to be expected in a heavily developed urbanized area with a variety of commercial service establishments. 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. In this case, the project is a relatively small neighborhood-serving specialty service in a heavily urbanized neighborhood. In such an area, a higher number of alcohol licenses would be expected in conjunction with unique commercial services in the area. The project will provide new and unique services and will cater to both local residents and workers as well as tourists and visitors, and thus will provide a beneficial service. In addition, an alcohol license would not be unusual or unexpected with a proposed wine retail store and tasting use, and the project will not exceed the number of allocated off-site licenses. Thus, the project will not result in undue concentration.

According to statistics provided by the Los Angeles Police Department's Northeast Division Vice Unit, within Crime Reporting District No. 1117 which has jurisdiction over the subject property, a total of 86 crimes were reported in 2022, including 75 Part I and 11 Part II crimes, compared to the Citywide average of 156 crimes and the High Crime Reporting District average of 187 crimes for the same reporting period. Alcohol-related Part II crimes reported include Narcotics (0), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (1), Gambling (0), DUI-related (2), and Miscellaneous Other Violations (4). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The project will not adversely affect public welfare because the proposed wine retail store and tasting room will be a desirable use in an area designated for such uses. In this case, the project will provide unique services and amenities to workers, visitors, and residents and, as conditioned, will not negatively impact the area. Additionally, as a specialty commercial service with incidental alcoholic beverage service, the project is unlikely to have a significant direct impact on the local crime rate, which is significantly lower than the citywide average, especially with regards to alcohol-related crimes. Nonetheless, the Zoning Administrator has incorporated operational conditions to the grant that address noise, safety, and security to further ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. Therefore, the granting of the request herein will not result in undue concentration.

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 with the proposed project. The following sensitive uses are located within a 1,000-foot radius of the site:

Eagle Rock Covenant Church, 1649 Yosemite Drive
Eagle Rock Junior/Senior High School, 1750 Yosemite Drive
Jordan Family Day Care Center, 4742 Townsend Avenue
Rock Community Center, 1597 Yosemite Drive
Residential Uses

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The project site is located at the intersection of Yosemite Drive and Townsend Avenue, the two main streets in the neighborhood. Although there are residential and institutional uses nearby, including residentially-zoned properties behind the project site, as a self-contained specialty retail store with incidental alcoholic beverage service, the project is not likely to have a direct impact on any sensitive uses. No live entertainment or other noise-inducing uses are proposed, and hours of operation have been conditioned in consideration for these nearby uses. As such, the project will not have detrimental impacts on nearby sensitive uses. Additionally, 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. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. The project will contribute to the neighborhood and will serve neighboring residents and local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect nearby residentially zoned communities or any other sensitive uses in the area.

FLOOD HAZARD 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 outside of a flood zone.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

*Metro DSC
(213) 482-7077
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
Planning.figcounter@lacity.org*

*Van Nuys DSC
(818) 374-5050
6262 Van Nuys Boulevard,
Suite 251
Van Nuys, CA 91401
Planning.mbc2@lacity.org*

*West Los Angeles DSC
(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
Planning.westla@lacity.org*

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



*QR Code to Online
Appeal Filing*

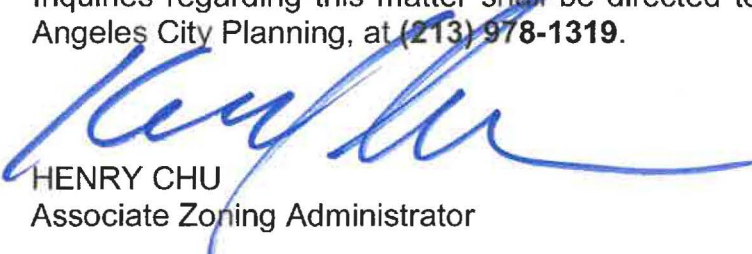


*QR Code to Forms for
In-Person Appeal Filing*



*QR Code to BuildLA
Appointment Portal for
Condition Clearance*

Inquiries regarding this matter shall be directed to **More Song**, Planning Staff for Los Angeles City Planning, at (213) 978-1319.



HENRY CHU

Associate Zoning Administrator

HC:MS:nm

cc: Councilmember Kevin De León
Fourteenth Council District
Adjoining Property Owners