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July 3, 2017

Jens Hommert (A)  
1250 Sunset Garden, LLC  
1250 West Sunset Boulevard  
Los Angeles, CA 90026

Hommert Living Trust c/o  
Jens Hommert (O)  
1250 West Sunset Boulevard  
Los Angeles, CA 90026

Margaret Taylor (R)  
Apex LA  
5419 Hollywood Boulevard, Unit C747  
Los Angeles, CA 90027

CASE NO ZA 2017-236(CUB)  
CONDITIONAL USE  
1250-1256 West Sunset Boulevard  
Silver Lake – Echo Park – Elysian Valley  
Planning Area  
Zone : C2-1VL  
D. M. : 136-5A211  
C. D. : 1  
CEQA : ENV-2017-237-CE  
Legal Description : Lot 25, Block 28,  
Angeleno Heights Tract

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

a Conditional Use Permit to allow the sale of beer and wine for on-site consumption and the on-site manufacturing of beer for on-site consumption in conjunction with a proposed restaurant/microbrewery, in the C2-1VL Zone,

upon the following additional terms and conditions:

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

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Condition Compliance Unit ("CCU") 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. Authorized herein is the sale and dispensing of beer and wine for on-site and off-site sales, in conjunction with a proposed 3,864 square-foot restaurant/microbrewery with an outdoor dining area comprised of a) a 664 square-foot terrace garden with 12 outdoor seats, b) a 425 square-foot waiting area with 19 seats, and c) a 4,072 square-foot beer garden/dining area and playground with 268 seats, for a total of 299 outdoor seats, and in conjunction with a 191 square-foot bicycle shop, and a 664 square foot terrace garden.
7. The hours of operation for the restaurant/microbrewery, including the patio, shall be limited to 6:00 a.m. to 2:00 a.m. daily. No after-hour use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
8. Parking shall be provided pursuant to LAMC Section 12.21-A,4. No deviation from parking has been requested or approved herein.
9. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Amplified recorded-music shall not be audible beyond the area under control of the applicant, and any sound or noise emitted that is under the control of the petitioner shall constitute a violation of Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.
10. There shall be no coin-operated game machines or video machines permitted on the premises at any time.
11. The applicant/restaurant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be posted at the entry, and the cashier or customer service desk, be provided to the immediate neighbors, schools and the Neighborhood Council, and be responded to within 24-hours of any complaints/inquiries received on this hot line.

12. Prior to the issuance of any certificate of occupancy, the applicant shall install noise attenuating measures that would be consistent with the acoustic study prepared by Venklasen Associates dated May 16, 2017 or any subsequent report submitted to, reviewed and approved by the Department of City Planning, that provides alternatives to mitigate noise impacts to abutting uses.
13. The applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department and the Zoning Administrator upon request.
14. All licenses, permits, and conditions shall be posted in a conspicuous location at the facility. Additionally, a copy shall be provided to all employees who shall sign an acknowledgement form stating that they have read and understood all of the Department of Alcoholic Beverage Control ("ABC") and conditional use permit conditions. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators, or any other City agency upon request.
15. Any music, sound or noise emitted under the control of the applicant shall not constitute a violation of Section 116.01 of the Los Angeles Municipal Code. Amplified music and/or live entertainment shall not be audible beyond that part of the structure which is under the control of the applicant.
16. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption of or interference with the peaceful enjoyment of the adjoining and neighboring properties, and/or alcoholic-related enforcement actions from the public jurisdictions, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
17. Use of the subject premise classified as Adult Entertainment as defined in Sections 12.24-W, 18 or 12.70 of the Los Angeles Municipal Code are strictly prohibited.
18. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
19. Restaurant staff will monitor the immediate vicinity in order to ensure that no public consumption of alcoholic beverages occurs. Staff will also be responsible to constantly monitor the garden area to ensure the area continues to remain monitored.

20. No self-service of alcoholic beverages is permitted.
21. 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, except that the restaurant may post a menu.
22. Exterior lighting shall be directed onto the property and shielded such that the light source does not disturb adjacent properties.
23. The subject facility shall be maintained and be kept free of trash and debris.
24. No pay phone will be maintained on the exterior of the premises.
25. The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially noise derived from patron entry and exiting.
26. All guests and operators shall comply with smoking regulations set forth by the State of California and the City of Los Angeles.
27. The applicant, owner and on-site manager(s) shall comply with all applicable laws and conditions, and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control.
28. The premises shall maintain a bona-fide eating place, in conformance with Section 23038 of the California Business and Professions Code, with an operational kitchen, which complies with the definition in Section 91.0403 of the Los Angeles Municipal Code, and shall provide a menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during normal operating hours.
29. There shall be no cover charge, admission fee or minimum drink purchase.
30. At no time will the premises host raves, a dance club, or other similar events.
31. There shall be no coin-operated games or video machines.
32. No pool or billiard table shall be maintained on the premises.
33. The subject alcoholic beverage license shall not be exchanged for a public premises license without the approval of a Zoning Administrator.
34. There shall be a sign at the restaurant exits which reads "No alcohol consumption permitted beyond this point."

35. No live entertainment and/or patron dancing shall be permitted inside the location without prior approval from Los Angeles Police Department, Rampart Division Vice supervisor.
36. The establishment is restricted from having private events at the location without prior approval from Los Angeles Police Department, Rampart Division Vice supervisor.
37. No alcoholic beverages shall be sold for off-site consumption.
38. The applicant shall install and maintain security cameras and a 30-day DVR that covers all common areas of the business, high-risk areas, entrances and exits. The DVRs shall be made available to the Los Angeles Police Department upon request.
39. Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator who acted on this case as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All new employees of the restaurant shall complete the training within two months of hire and then every 12 months thereafter.
40. The conditions of this grant shall be retained on the premises at all times and be immediately produced upon request of any LAPD officer or ABC investigator. The restaurant manager and all employees of the restaurant shall be knowledgeable of the conditions herein.
41. 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.
42. 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 Development Services Center or the Condition Compliance Unit for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or Condition Compliance Unit for inclusion in the case file.
43. **Within 30 days of the effective date of this determination**, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to [planning.ccu@lacity.org](mailto:planning.ccu@lacity.org), with the

subject of the email to include the case number, "**ZA-2017-0236-CUB/Operation Notification**". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.

44. **Prior to the beginning of operations**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows,

*We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a beer and wine only for on-site consumption and on-site manufacturing, in conjunction the restaurant/microbrewery, known as Sunset Garden, and agree to abide and comply with said conditions.*

45. 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 has been provided to the prospective owner/operator, including the conditions required herewith, shall be submitted to the Condition Compliance Unit 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 Condition Compliance Unit within 30 days of the beginning day of his/her new operation of the establishment along with the dimensioned floor plan, seating arrangement and number of seats of the new operation.
46. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if at any time during the period of validity of this grant, documented evidence is submitted showing continued violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, shall be submitted to the Department of Planning, Condition Compliance Unit within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.

47. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may 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 used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be 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 therein, may result in denial of future requests to renew or extend this grant.
48. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Zoning Administrator for attachment to the case file.
49. 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 Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
50. **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 (b).
- e. If the City determines it necessary to protect the City's interests, 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, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes 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 **JULY 18, 2017**, 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:

<b>Downtown</b>	<b>San Fernando Valley</b>	<b>West Los Angeles</b>
Figueroa Plaza 201 North Figueroa Street, 4th Floor Los Angeles, CA 90012 (213) 482-7077	Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 (818) 374-5050	West Los Angeles Development Services Center 1828 Sawtelle Boulevard, 2nd Floor Los Angeles, CA 90025 (310) 231-2598

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

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with Planning Staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application and the plans submitted therewith, 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 under the provisions of Section 12.24-W,1 have been established by the following facts:

**BACKGROUND**

The subject property is a western upward sloping, rectangular, 14,646 square-foot interior lot with a frontage of 93 feet along the west side of Sunset Boulevard. The subject property is developed with a 3,864 square-foot, two-story building that was constructed in 1960 and utilized as a commercial office.

The property is zoned C2-1VL and is located within the Silver Lake-Echo Park-Elysian Valley Community Plan area. The site is not located within any specific plan or subject to a historic preservation review. The property is located within the East Los Angeles State Enterprise Zone (ZI-2129), a Transit Priority Area (ZI-2452), a Methane Zone, and is located within 0.25 kilometers of the nearest known fault (Upper Elysian Park).

The applicant is requesting a Conditional Use Permit to allow the sale of beer and wine for on-site consumption and the manufacturing of beer for on-site consumption at a proposed 16,043 square-foot restaurant/microbrewery. The project consists of a tenant improvement at an existing 3,864 square-foot commercial office building to include a 191

square-foot bicycle shop and 3,673 square-foot kitchen/microbrewery with no indoor seating. The project will also include a 5,417 square-foot garden, playground, and outdoor dining area with seating for 299 patrons. Proposed hours of operation are from 10 a.m. to 11 p.m., daily. A 5,864 s.f. private garden on the site is not part of the project.

The northern adjoining properties are zoned C2-1VL and are developed with a temple. The eastern adjoining property (across Sunset Boulevard) is zoned C2-1VL and is developed with multi-family residences. The southern adjoining property is zoned C2-1VL and is presently vacant. The western adjoining properties are zoned RD2-1VL-HPOZ and are developed with single-family dwellings and are located upslope from the subject site. The western adjoining upslope properties are located within the Angeleno Heights HPOZ.

## STREETS

Sunset Boulevard, adjoining the property to the east, is a designated Avenue I, dedicated to a width of 100 feet and improved with asphalt roadway, concrete curb, gutter, and sidewalk.

### **Previous zoning cases, permits and orders on the subject property:**

Certificate of Occupancy No. LA 40672/59 – On April 28, 1960, a Certificate of Occupancy was issued for a two-story, Type V 26' by 68' commercial office building.

### **Public Hearing**

The public hearing was held on May 17, 2017 at the City Hall in Room 1020, located at 200 North Spring Street, Los Angeles. The applicant's representative, Margaret Taylor of APEX LA, the applicant and team members, and members from the public. There were approximately 20 people who attended the public hearing.

The applicant's representative made the following statements:

- The applicant, has been the property owner for 20 years, proposes a project that will bring a German-style beer garden to the community.
- The beer garden will bring a unique experience, community space, and a walkable development to the area.
- The request is for the sale of beer and wine for on-site consumption and on-site manufacturing of beer which will be sold on-site.
- The project will provide outdoor dining within a garden area and will include a playground structure.
- The project will perform tenant improvements and will not be adding square footage to the existing building.
- A bike repair and sales shop is proposed along the front of the building.
- The project will be placing seats outdoors where parking used to be.
- The Department of Building and Safety would not allow for the existing parking spaces to be maintained because of the existing conditions (pitch of the driveway).
- Required parking will be provided through a covenant agreement at an off-site lot.

- Parking for the project will be provided off-site at 1110 Marion Avenue/1192 W. Sunset Boulevard, which is approximately 670 feet from the project site.
- A total of 13 stalls would be made available for the proposed restaurant.
- A private garden, which is part of the site, is not part of the project. It will be used to grow food for the restaurant. Water from the microbrewery will be recycled to water the garden.
- The project will utilize acoustic noise attenuating technology to reduce impacts to surrounding uses. Such include noise absorbers, which can be used as sound curtains (submitted exhibit).
- Outreach included the following:
  - Applicant walked the neighborhood and obtained 83 signatures in support and seven letters (submitted at hearing).
  - Applicant reached out to all abutting property owners.
  - Presentation was made to the Echo Park Improvement Association, and a letter of support dated May 1, 2017 was submitted.
  - Presentation of the project was made to the Echo Park Neighborhood Council, which also included a 500-foot radius notification for the Land Use Committee. No action was taken. A Board letter dated April 27, 2017 was submitted with no action taken at that time. The letter invited the applicant back with an acoustic report and details on parking mitigations.
    - An acoustic report dated May 16, 2016 was prepared.
    - A two-year lease for parking off-site was obtained.
  - LAPD submitted recommended conditions.
  - Met with Gerald Gubatan of the Council Office.

During the public comment period of the hearing, eight people spoke. Six people spoke in support of the project for the following reasons: owners are responsible; reuse of the facility; brings a neighborhood amenity; contributes to a walkable neighborhood; family oriented proposal; brings vitality to and improves the gloominess of the area; brings more unity and safety to the area. Two people spoke of concerns and opposition to the project for the following reasons: lack and loss of parking for the business; will not promote safety in the area, drunkenness, intensity of the project; recommend the owner regrade the driveway; noise levels would be too high; gridlock in the area. At the conclusion, the Associate Zoning Administrator stated he was inclined to approve the project and would review the noise attenuating materials that would be used to mitigate noise.

### **Correspondence**

Prior to the hearing, staff received an email dated May 12, 2017 from a neighboring property owner stating that she has concerns over increased density and businesses in the area and how it relates to parking. The area's parking is already heavily impacted during Dodger home games. Letters from Michael Rotondi of ROTO Architects, and Jacques Rifkind, as well as emails from David Benoff and Will Wright, were received. An email from Lawrence Fried expressing disapproval was also received.

Staff received a letter from LAPD Rampart Area Vice dated May 5, 2017 stating non-opposition to the CUB request with a list of suggested conditions.

Staff received a letter from the Echo Park Neighborhood Council dated April 26, 2017 stating that the Echo Park Neighborhood Council (EPNC) cannot support the application until it receives an acoustic study showing how noise issues and parking issues would be addressed.

At the public hearing, six letters, a petition of support with 83 names, and a letter from the Echo Park Improvement Association were received.

**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 cocktail lounge shall be maintained on the premises separate from the dining area.
- 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.
- The sale of alcoholic beverages for consumption off the premises is prohibited.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- There shall be no cocktail lounge or separate bar area.
- 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.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained

in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.

- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

### **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval 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 beer and wine for on-site consumption and the on-site manufacturing of beer, to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

### **FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

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

The subject property is a western upward sloping, rectangular, 14,646 square-foot interior lot with a frontage of 93 feet along the west side of Sunset Boulevard. The subject property is developed with a 3,864 square-foot, two-story building that was constructed in 1960 and is utilized as a commercial office. The project consists of a tenant improvement of the existing building to include a bicycle shop, and kitchen/brewing facilities for the proposed restaurant. Seating would be located entirely outside of the structure within a 5,417 square-foot rear terrace garden, waiting area, beer garden/dining area, and playground area. The project proposes 299 seats in a beer-garden type setting and hours of operation from 10 a.m. to 11 p.m., daily.

Echo Park has been subject of major revitalization efforts over the last decade which includes the addition of many restaurants in the area. The use will be located in a convenient location for people who live, work, or shop in the Echo Park area. It is within walking distance from many multi-family residential properties and is accessible via public transportation.

The proposed use in conjunction with the imposition of a number of conditions addressing operational and alcohol-related issues will assure that the service of alcohol is not disruptive to the community. The area serves a mixture of uses which includes a concentration of residential and commercial uses. The approved

grant is in keeping with the nature of the development in the area which caters to a variety of needs and provides a casual alternative to dining for residents and employees in the area. Furthermore, though the Department of Building and Safety has not allowed for parking to remain at the site because of the pitch of the driveway, the project provides off-site parking at 1110 Marion Avenue, which is located approximately 670 feet from the subject site. The off-site parking will allow for the restaurant to provide parking for its patrons. As such, the request will continue to serve a function and provide a service that will be beneficial to the community which in conjunction with the imposition of a number of conditions addressing operational conduct will result in the enhancement of the built environment.

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 property is zoned C2-1VL and is presently developed with a two-story commercial building that fronts onto Sunset Boulevard. The brewery operation, restaurant kitchen, and bicycle retail shop will be enclosed within the existing commercial building. The project will not involve any demolition or add new floor area to the existing space. The project will remove the existing parking spaces located at the rear of the site because the Department of Building and Safety has determined the existing pitch of the driveway would be a hazard. The rear undeveloped area of the site will be improved with a beer garden, private garden, and children's play area. At the public hearing, the applicant stated that due to the site's extensive slope, parking in the rear would not be permitted by current building code. The applicant has secured an off-site location approximately 670 feet from the subject site to provide for eight required parking spaces via a covenant agreement. No deviations from parking requirements have been requested or approved herein.

The northern adjoining properties are zoned C2-1VL and are developed with a temple. The eastern adjoining property (across Sunset Boulevard) is zoned C2-1VL and is developed with multi-family residences. The southern adjoining property is zoned C2-1VL and is presently vacant. The western adjoining properties are zoned RD2-1VL-HPOZ and are developed with single-family dwellings and are located upslope from the subject site. The western adjoining upslope properties are located within the Angeleno Heights HPOZ.

The project is located in Echo Park along Sunset Boulevard and near Dodger Stadium. The area is rapidly evolving as new commercial uses are introduced along Sunset Boulevard. Any noise generated on the property is not allowed to exceed the noise limits as regulated by the City's noise ordinance. At the public hearing, the applicant's representative stated a fence with noise attenuating features will be utilized to mitigate potential noise that could be generated from the restaurant operation and patrons within the outdoor dining area. At the public hearing, a noise study prepared by Veneklasen Associates, concluded that noise

exposure from the restaurant operation was evaluated at each sensitive receptor and recommended noise barriers be installed as close to the western property line as possible across the subject site directly to the east of 766 E. Kensington Road. The noise barrier should be constructed to a height of two feet above the opt elevation of the existing eight-foot property line wall to an elevation 10 feet above grade, on the east site of 766 E. Kensington Road. The report stated the wall will result in a less than significant noise impact at any point on the property of that residential receptor. The report also stated that when future development is considered for the property at 1246 W. Sunset Boulevard, a wall should be constructed to a height of four feet above grade elevation on its north property line. The project has been conditioned to implement these noise mitigation measures to reduce impacts to surrounding uses. Therefore, use of the site is not expected to be detrimental to the neighborhood character.

In case of any complaints from the community, a 24-hour hot line is required to document and to respond to any public complaints within 24-hours. As conditioned, the restaurant/microbrewery use with the sale of beer and wine will not be materially detrimental to the character of the immediate neighborhood.

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 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.**

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans.

The Silver Lake-Echo Park-Elysian Valley Community Plan designates the property for General Commercial land uses with the corresponding zones of C1.5, C2, CR, C4, RAS3, and Height District No. 1VL. The property is not located within a specific plan and is not located within an interim control ordinance area. The Silver Lake-Echo Park-Elysian Valley Community Plan text addresses some of the commercial goals and objectives identified in the Silver Lake-Echo Park-Elysian Valley Community Plan, including:

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

Policies 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.

Objective 2-3: Enhance the appearance of existing commercial districts.

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

The Community Plan text is silent with regards to alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plan. With conditions and limitations imposed by the Zoning Administrator, the surrounding properties should be protected from predictable impacts of the proposed use. The project will reactivate an underutilized commercial parcel and provide a valuable use for the community. The proposed project is in conformance with the spirit and intent of the General Plan and other City policies which aim to promote the subject property and its immediate area with healthy and viable commercial activity.

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

The subject grant will allow for the activation of an underutilized commercial building and will provide needed services to the region and attract new patrons to the area. The proposed project will contribute to the economic vitality of the site will provide the community with an economically viable and respected commercial use. In addition to the restaurant/microbrewery, the project will also include a bicycle shop that specializes in e-bikes and will offer a children's playground. The site is located less than half a mile away from Dodger Stadium and is approximately 1.5 miles away from Bunker Hill and Olvera Street.

As conditioned, the grant will not adversely affect the welfare of the pertinent community. The grant imposes conditions that address safety, security and noise to ensure the restaurant/microbrewery's operation remains compatible with surrounding uses. The conditional approval allows the sale and dispensing of beer and wine for on-site consumption and the on-site manufacturing of beer in conjunction with a new 16,043 square-foot restaurant/microbrewery with outdoor patio and seating for 299 patrons outdoors. The restaurant is family-oriented with hours of operation limited from 10:00 a.m. to 11:00 p.m., daily. No live entertainment or dancing is proposed on the premises. The conditions also require a surveillance system, adequate lighting, no loitering, and requires the applicant to be responsible for maintaining the area adjacent to premises over which they have control, free of litter. In addition, the grant requires that the applicant install an electronic age verification device to deter underage purchases and drinking. Employees involved in the sale of alcoholic beverage are required to enroll in STAR training to assist in identifying and prohibiting service of alcoholic beverages to intoxicated patrons. As conditioned, the proposed use 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 two (2) on-site and one (1) off-site alcohol sales licenses allocated within the subject Census Tract No. 1976. There are three (3) on-site and five (5) off-site licenses that exist in the tract according to the California ABC License Query System.

As reported by the Los Angeles Police Department, within Crime Reporting District No. 724, which has jurisdiction over the subject property, a total of 226 crimes were reported in 2015, compared to the citywide average of 181 crimes and the high crime reporting district average of 217 crimes for 2015. In 2015, there were 6 Narcotics, 0 Liquor Law, 1 Public Drunkenness, 0 Disturbing the Peace, 1 Disorderly Conduct, and 2 DWI related arrests. 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.

Although the number of existing licenses is above the number currently allocated, the project site is located in an area of concentrated commercial development with numerous restaurants, cafés and taverns that include alcohol sales. While the site is located within a census tract where the crime rate is above the citywide average, the subject site has no history of nuisance or criminal activity. No evidence was submitted for the record suggesting any link between the subject site and the crime rate within the census tract. The site is located within close proximity to Dodger Stadium, Chinatown, and Downtown Los Angeles, which are characterized by numerous retail, entertainment venues and restaurants within a vibrant and pedestrian oriented environment.

Further, conditions have been imposed to mitigate any adverse impacts on the area, including the requirement for surveillance cameras and limited hours of operation. Public safety measures to mitigate nuisance and criminal activities have been incorporated into the grant to assure better oversight. The Zoning Administrator has also included conditions related to the sale and distribution of alcohol for further consideration by the State Department of Alcoholic Beverage Control as conditions on the alcohol license. Therefore, the project will not result in an undue concentration of establishments providing alcoholic beverages.

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

The following sensitive uses were observed within a 1,000-foot radius of the subject property:

- Multi-Family and Single-Family Residential Uses
- Den Chua Xu Thanh Mau Temple  
1260 W. Sunset Boulevard
- Chinese Christian Chanto Church  
1244 Innes Avenue
- Pre-School  
707 E. Kensington Avenue
- Iglesia Evangelica Latina Church  
1250 Bellevue Avenue
- L.A. Fire Station No. 20  
534 E. Edgeware Road

Consideration has been given to the distance of the restaurant/microbrewery use from residential buildings and the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. In addition, the grant is designed to make the use compatible and accountable to its neighbors and to the surrounding greater community. The grant includes limitation on hours, live music, and the requirement to set up a hot line to insure that the use remains compatible with the surrounding community. As conditioned, the proposed restaurant/microbrewery/beer garden will contribute significantly toward the enhancement of quality of life and economic revitalization of the area.

#### **ADDITIONAL MANDATORY FINDINGS**

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
8. On May 17, 2017, the project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV 2017-0237-CE, for a Categorical Exemption, Class 32, Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding the matter shall be directed to JoJo Pewsawang, Planning Staff for the Office of Zoning Administration at (213) 978-1214.



HENRY CHU  
Associate Zoning Administrator

HC:JP:bk

cc: Councilmember Gil Cedillo  
1<sup>st</sup> Council District  
Adjacent Property Owners  
Interested Parties