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20240916982



Pages:
0014

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California

12/24/24 AT 09:44AM

FEES:	58.00
TAXES:	0.00
OTHER:	0.00
SB2:	75.00
PAID:	<u>133.00</u>



LEADSHEET



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015065223

SEQ:
01

DAR - Counter (Upfront Scan)



THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY

When Recorded Mail to:

Name: Adam Firestone

Address: 620 McMurray Road
Buelton, CA 93427

12/24/2024



20240916982

Space Above This Line Reserved For Recorder's Use

COVENANT AND AGREEMENT

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

Legal Description See Exhibit "A"

Site Address 3205-3223 North Washington Boulevard, 2915-2923 Carter Avenue, Marina Del Rey, CA 90292

That in consideration of the Approval of Case No. ZA-2013-3173-CUB-PA1 by the Department of City Planning, I (we) do hereby promise, covenant and agree to and with the City of Los Angeles and the Department of City Planning of said City that to the extent of our interest, I (we) acknowledge and will comply with Conditions Nos. 1-41 (see attached Exhibit B).

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

Adam Firestone

Print Name of Property Owner

Signature of Property Owner

Print Name of Property Owner

Signature of Property Owner

Print Name of Property Owner

Signature of Property Owner

Dated this _____ day of _____, 20_____.

FOR CITY PLANNING USE ONLY

Case Number: ZA-2013-3173-CUB-PA1 Condition Number(s): 1-41

and/or Ordinance Number: N/A

Approved for Recording by the Undersigned on this Date: 12/23/2024

Print Name: DAVID URITA Signature:

THIS PAGE FOR NOTARY'S USE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

CIVIL CODE SECTION 1189

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

State of California)
County of SANTA BARBARA)

On 12-20-2024 before me, MATHEW CURTO Notary Public
Here Insert Name and Title of the Officer

Personally appeared ADAM BROOKS FIRESTONE
Name(s) of Signer(s)

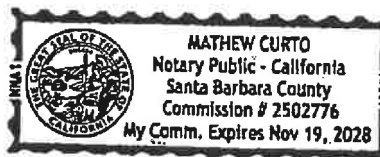
Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),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

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

WITNESS my hand and official seal.

Signature

[Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the City of Marina Del Rey, County of Los Angeles, State of California, described as follows:

PARCEL 1:

LOTS 1 TO 8 INCLUSIVE OF TRACT NO. 8167, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 88 PAGES 27 AND 28 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

LOTS 25, 26 AND 27 OF TRACT NO. 8167, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 88 PAGES 27 AND 28 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 4229-005-045 and 4229-005-044

EXHIBIT "B"

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

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
JONATHAN A. HERSHEY, AICP
THEODORE L. IRVING, AICP
CHARLES J. RAUSCH JR.
CHRISTINA TOY LEE

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

LOS ANGELES DEPARTMENT
OF CITY PLANNING
EXECUTIVE OFFICES

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

planning.lacity.org

February 3, 2022

Bear Lion LLC (A)(O)
620 McMurray Road
Buelton, CA 93427

Zachary Andrews (R)
ThreeSixty
11287 Washington Boulevard
Culver City, CA 90230

CASE NO. ZA-2013-3173-CUB-PA1
APPROVAL OF PLANS
3205-3223 North Washington Boulevard
and 2915-2923 Carter Avenue
Venice Community Plan
Zone: C2-1
C.D.: 11
D.M.: 108-B149
CEQA: ENV-2020-7664-CE
Legal Description: Tract 8167, Lot FR 1

Pursuant to CEQA Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines applies.

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

plans to allow the continued sale and dispensing of beer and wine for on-site consumption in a restaurant and the sale of beer for off-site consumption in a retail space located in the C2-1 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. **MODIFIED.** 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. **MODIFIED.** 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 Development Services Center 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. ~~**DELETED.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.~~
7. **MODIFIED.** ~~Approved~~ Authorized herein is the continued sale and dispensing of beer and wine for on-site consumption in ~~a proposed~~ an existing 7,613 square-foot restaurant brewpub/microbrewery with a service floor area (SFA) of 2,717 square feet, and the off-site sale of beer in a ~~997~~ 1,111 square-foot retail area. The restaurant will have 187 seats and hours of operation from 11 a.m. to 11 p.m., Sunday through Thursday, and 11 a.m. to midnight, Friday and Saturday. Hours of operation for the retail store are from 11 a.m. to 6 p.m., daily. A total of 64 parking spaces, comprised of 38 off-site and 26 on-site parking spaces, shall be maintained. ~~The maximum number of seats and the required number of parking stalls are to be determined by the Department of Building and Safety.~~ If fewer seats are approved, the applicant shall submit a revised floor plan to the Development Services Center to be included as part of the Exhibit "A". Pursuant to Case No ZA 2015-2348(ZAI)- List of Use Permitted in Various Zones, microbreweries that meet the State of California Department of Alcoholic Beverage Control (ABC) requirements are permitted in the C2 Zone with

approval of a conditional use permit LAMC Section 12.24-W.1). The applicant shall submit a revised floor plan with the required fee to the Development Services Center delineating the location and size of the proposed micro-brewing equipment.

ADDED NOTE: The 2013 original grant indicated a 997 square-foot retail area where sales of beer for off-site consumption was authorized. The "Exhibit A" for that determination reflected 1,111 square feet within the envelope of a 7,613 square-foot building. This Plan Approval utilizes the same floor plan and does not show any increase in the building square footage or the subject retail area from the 2013 grant. The modified language for Condition No. 7 reflects a correction that should have been reflected in Case No. ZA-2013-3173-CUB.

8. ~~DELETED. The authorization granted herein for the sale of beer and wine on the subject premises is for a period of five years from the effective date of this grant. Thereafter, a new authorization shall be required to continue the sale and dispensing of beer and wine for on-site and beer for off-site consumption.~~
9. 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 or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the 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.
10. Any future operator or owner of the restaurant must file a Plan Approval application to allow the City of Los Angeles to review the "mode and character" of the use.
11. The Project shall comply with applicable requirements of the Coastal Transportation Corridor Specific Plan as determined by the Department of Transportation.
12. No dancing, karaoke, live entertainment, disc jockey, pool tables, coin-operated games, or video machines are permitted.
13. **NEW. No after-hours use of the restaurant shall be permitted. The premises shall not be exclusively used for private parties, including promotional events, in which the general public is excluded.**

14. The applicant shall not sublet the premises for any nightclub activity.
15. The exterior windows and glass doors of the restaurant and retail space shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height so as to permit surveillance into the restaurant by the Police.
16. Exterior lighting on the building shall be maintained and provide sufficient illumination of the immediate environment so as to render persons clearly visible. The lighting shall be shielded so as to not illuminate adjacent residential parcels.
17. **MODIFIED.** ~~The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting. Noise from the restaurant shall not exceed the levels stated in the Noise Ordinance.~~ Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, 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.
18. **MODIFIED.** ~~The applicant/owner/operator and manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal, criminal, and/or nuisance activity on the subject premises including any parking areas. 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 and truancy occur.~~

19. **NEW. Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:

- 1) Entry, visible to pedestrians
- 2) Customer service desk, front desk or near the reception area.

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

20. The premises shall be maintained as a bona fide restaurant with an operating kitchen and shall provide a menu containing an assortment of foods normally offered in restaurants. Food service shall be available at all times during normal operating hours.
21. **NEW. Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.
22. **NEW.** 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.
23. **NEW.** 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.
24. **MODIFIED. STAR/LEAD/RBS Training.** Within six months of operation or the effectuation of the grant, ~~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) 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 to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. Employees shall attend the training on an annual basis. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within three (3) months of their employment.

25. An electronic age verification device shall be retained on the premises available for use during operational hours. This device shall be maintained in operational condition and all employees shall be instructed in its use.
26. The owner/operator shall maintain video surveillance of all interior public areas, including entrances and exits, and maintain a minimum of a four-week DVR library. All persons acting in the capacity of manager shall be familiar with the security system and have the ability to make a copy of the content and provide it to law enforcement officers upon request.
27. Loitering is prohibited on or around the premises or the area under control of the applicant.
28. Trash receptacles used will be designed to contain odors per Best Management.
29. Cleanup and all trash removal will be performed in such a manner as to prevent debris from entering the storm drain system and will not interfere in any way with surrounding uses.
30. No exterior work-related activity will occur either before opening or over one hour after closing.
31. Trash pickup will occur between the hours of 8 a.m. and 6 p.m. on weekdays as necessary but shall not occur during peak traffic periods as defined by LADOT.
32. Loading and unloading hours will be arranged to avoid conflict with surrounding uses and will in no case occur after 4 p.m. or during peak traffic periods as defined by LADOT.
33. Exterior lighting on the building shall be maintained and provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible. Said lighting shall be directed in such a manner so as not to illuminate any nearby residence.
34. The storage/changing room will be clearly marked as such on plans submitted to the City and may not be converted into service floor area.

35. The applicant shall submit to the Development Services Center a Transportation Management Plan that offers incentives to employees to use public transportation, bicycle, carpooling, or other alternate means of transportation. The plan shall include a requirement for training restaurant employees to not park on the adjacent residential streets.
36. A laminated copy of the approved conditions shall be posted at the premises at all times and produced immediately upon request of the Police Department. All employees working in the bar shall be knowledgeable of these conditions and shall sign a document acknowledging receipt of these conditions.
37. 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

ADMINISTRATIVE CONDITIONS

38. **NEW. MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01-E.3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs 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.
39. **NEW. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide**

the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.

40. **NEW.** 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 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 application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning 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 this public hearing for nuisance abatement/revocation purposes.

41. **NEW. 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, 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."