

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

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Office of the
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When making inquiries relative to
this matter, please refer to the
Council File No.

December 13, 2013

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File
No. 13-1230, at its meeting held December 3, 2013.


City Clerk
kw

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Mayor's Time Stamp
 OFFICE OF THE MAYOR
 CITY OF LOS ANGELES
 2013 DEC 31 PM 2:25
 CITY OF LOS ANGELES

City Clerk's Time Stamp
 CITY CLERK'S OFFICE
 2013 DEC -4 PM 2:21
 CITY CLERK
 BY _____
 DEPUTY

SUBJECT TO THE MAYOR'S APPROVAL

COUNCIL FILE NO. 13-1230

COUNCIL DISTRICT 2

COUNCIL APPROVAL DATE DECEMBER 3, 2013

RE: AN APPEAL OF CONDITIONS IMPOSED TO MITIGATE THE ADVERSE IMPACTS ON THE COMMUNITY CAUSED BY THE OPERATION OF A NIGHTCLUB AT 11702 VICTORY BOULEVARD

LAST DAY FOR MAYOR TO ACT DEC 16 2013
(10 Day Charter requirement as per LAMC 12.24)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

APPROVED
✓

*DISAPPROVED

*Transmit objections in writing pursuant to LAMC 12.24

DATE OF MAYOR APPROVAL OR DISAPPROVAL 12/09/13

E.G.
MAYOR

RECORDED
 CITY CLERK'S OFFICE
 2013 DEC 11 AM 7:38
 BY _____
 CITY CLERK
 DEPUTY

12/3/13

File No. 13-1230

CATEGORICAL EXEMPTION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to an appeal of conditions imposed to mitigate the adverse impacts on the community caused by the operation of a nightclub at 11702 Victory Boulevard.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that this action is categorically exempt from California Environmental Quality Act of pursuant to Article III, Section 3, Class 21, Category 2 of the City's Environmental Guidelines. [ENV 2012-3584-CE]
2. ADOPT the FINDINGS of the Zoning Administrator as the FINDINGS of the Council.
3. RESOLVE TO GRANT IN PART / DENY IN PART the APPEAL filed by Maria Acevedo, Salon Corona, Inc., (Scott Wellman, Wellman and Warren, LLP, representative), from part of the determination of the Zoning Administrator, and THEREBY IMPOSE the modified conditions approved by the Planning and Land Use Management Committee, attached to Council file No. 13-1230, on the operation of a nightclub at 11702 Victory Boulevard, inasmuch as the business is not in substantial compliance with corrective conditions and requires the continued modification of its operation to mitigate adverse impacts caused by use of the premises.

Applicant: City of Los Angeles (Office of Zoning Administration)

Case No. DIR 2012-3583 (RV)

Fiscal Impact Statement: None submitted by the Department of City Planning. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

TIME LIMIT FILE – DECEMBER 4, 2013

(LAST DAY FOR COUNCIL ACTION – DECEMBER 4, 2013)

Summary

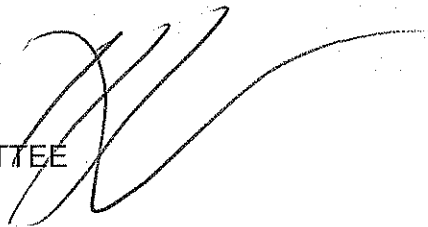
At the public hearing held on November 19, 2013 (continued from November 5, 2013), the Planning and Land Use Management Committee considered an appeal of conditions imposed to mitigate the adverse impacts on the community caused by the operation of a nightclub at 11702 Victory Boulevard. Representatives from the Department of City Planning, and Los Angeles Police Department gave the Committee background information on the matter. The appellant's representative and the public also spoke as well as the staff from the Council Office. Council District Two requested modifications to the imposed conditions.

After an opportunity for public comment, the Committee recommended that Council grant in part and deny in part the appeal, approve the modified conditions, and sustain the determination of the Zoning Administrator to impose corrective conditions on the operation of the nightclub at 11702 Victory

Boulevard, inasmuch as the business is not in substantial compliance with corrective conditions and requires the continued modification of its operation to mitigate adverse impacts caused by use of the premises. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
HUIZAR:	YES
CEDILLO:	YES
ENGLANDER:	YES

-NOT OFFICIAL UNTIL COUNCIL ACTS-

ADOPTED

DEC 03 2013

LOS ANGELES CITY COUNCIL

MAYOR WITH FILE

CONDITIONS OF APPROVAL APPROVED BY PLUM ON 11/19/13

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. *(Standard Condition)*
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. *(Standard Condition)*
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. *(Standard Condition)*
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. *(Standard Condition)*
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 Development Services Center and the Department of Building and Safety for purposes of having a building permit issued. *(Standard Condition)*
6. Master Covenant and Agreement. Within 15 days of the effective date of this authorization or mutually agreed upon time, an acknowledgment and agreement 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 be binding on any subsequent owners; heirs or assigns. The agreement must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date must be provided to the Zoning Administrator for attachment to the file. *(Standard Condition)*
7. Cost Recovery. Pursuant to Los Angeles Municipal Code Section 12.27.1-C.2, the Director of Planning has imposed a condition directing the payment of a fee set forth in Section 19.01-P of the Los Angeles Municipal Code to cover the City's costs in processing this matter. If the decision is not appealed, then the amount shall be paid in full to the City of Los Angeles with confirmation of the payment being provided to the Director within 30 days of the decision date. If an appeal is filed and the decision of the Director is upheld on appeal, then the fee shall be paid in full with confirmation made to the Director within 30 days of the effective date of the decision. If the Council reverses in total the decision of the Director, then no payment of fees other than the appeal fee specified in 19.01-P shall be required. *(Standard Condition)*
8. Compliance Review. The property owner and/or the business owner/operator shall file a Plan Approval application within six (6) months from the effective date of this action to allow for a review of the effectiveness in implementing the Conditions

CONDITIONS OF APPROVAL APPROVED BY PLUM ON 11/19/13

established herein and to determine whether the public nuisance problems identified in the Findings' section of this determination have been eliminated. A public hearing shall be conducted. A notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property. The owner shall submit evidence of compliance of each condition with the Plan Approval application. The Zoning Administrator conducting the hearing may add, modify or delete Conditions as determined to be appropriate. The Zoning Administrator may also require the discontinuance of the uses or any portion of the property or individual lease space if the applicable findings can be made.

If the subject premise has been vacated and is not occupied by a tenant when the Plan Approval application is required, the following shall be required:

- a. Within six (6) months from the effective date of this determination, the property owner shall submit evidence to the Zoning Administrator showing that the site is vacant. The evidence shall include information about the duration and time period of such vacancy, the status of any lease agreement with a prospective tenant, if any, and the type of a business proposed on the subject premise.
- b. The required Plan Approval application shall be filed within 18 months from the effective date of this determination or within six (6) months after the subject premise is occupied by a tenant, whichever comes first.

If the subject premise has been vacated and is occupied by a new tenant, the Plan Approval application shall include a copy of a Certificate of Occupancy issued on the property showing the legal use of the subject premise.

9. Authorization

- a. The hours of operation shall not exceed 9 p.m. to 2 a.m., daily. *(Recommended by LAPD, modified by the Zoning Administrator)*
- b. There should only be one "public" entrance to the location. Other doors should be designated as "employee only" entrances and used by bar patrons only to evacuate the building in case of emergency. *(Recommended by LAPD)*

10. Alcoholic Beverages *(Recommended by LAPD)*

- a. Under no circumstance shall the property owner/operator allow patrons to bring in bottles of their own beverages or provide patrons with "set-up" of glasses, mixers and ice for the use with the consumption of beverages on the site.
- b. At no time shall patrons be permitted to self-service of beverages or engage in activity which is referred to as bottle service. This shall include 175 ml and larger. No more than one drink shall be served to patrons seated at tables at one time. Beverages shall not be sold in multiple containers. Beverages must be served by employees of the bar only. *(Modified at PLUM)*

CONDITIONS OF APPROVAL APPROVED BY PLUM ON 11/19/13

- c. No "Happy Hour", or reduced price drinks are allowed including, but not limited to, time periods during which patrons may purchase beverages at a discounted price.
 - d. There shall be no minimum drink requirement for patrons.
 - e. There shall be no seating incentives based upon beverage or food purchase.
11. Complaint Response/Community Relations. The property owner/operator shall implement the following:
- a. Monitoring of complaints. The property owner/operator shall coordinate with the local division of the Los Angeles Police Department regarding appropriate monitoring of community complaints concerning activities associated with the subject facility.
 - b. Complaint monitoring. A 24-hour "hot line" phone number shall be provided for the receipt of complaints from the community regarding the subject facility and shall be:
 - 1) Posted at the entry.
 - 2) Posted at the Customer Service desk, if one exists.
 - 3) Provided to the immediate neighbors, schools, and local neighborhood association, if any.
 - c. Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator.
12. Cooperation
- a. Inform the Los Angeles Police Department ("LAPD") North Hollywood Division immediately if any person, including any known gang member, is observed trespassing, loitering, engaging in narcotics activity, including possession, use or sale of narcotics, if any narcotics are recovered on the Property or if any person is observed with a firearm. *(Recommended by LAPD, modified by the Zoning Administrator)*
 - b. Cooperate with all law enforcement agencies, including, but not limited to, LAPD and the State Department of Alcohol Beverage and Control ("ABC"). Under Business and Professions Code section 25755, Penal Code section 830.1, "Peace officers may, in enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his or her license on the premises." *(Recommended by LAPD)*

CONDITIONS OF APPROVAL APPROVED BY PLUM ON 11/19/13

- c. Do not take any action which would impede, interfere, hinder, or otherwise obstruct any investigation undertaken by any law enforcement agency which relates to the Property. The Property Owners and Business Owners should provide law enforcement personnel access into the Property at all times. *(Recommended by LAPD)*
 - d. Meet with the LAPD on a bi-yearly basis to discuss any issues. *(Recommended by LAPD)*
13. Compliance with Laws and Regulations. Comply with all orders and regulations of the Los Angeles Department of Building and Safety, Los Angeles County Health Services Department, Los Angeles City Clerk's Office, Los Angeles City Fire Department, and any other regulatory agency, including State licensing agencies. Require tenants to allow access to personnel from law enforcement or regulatory agencies carrying out official duties into the property at all times including: *(Recommended by LAPD, modified by the Zoning Administrator)*
- a. Do not permit or allow narcotics, vice or alcohol related criminal activity to occur at the bar.
 - b. Comply with all applicable smoking laws, e.g., Los Angeles Municipal Code Section 41.50.
 - c. Comply with all building occupancy laws. Do not allow the number of bar patrons to exceed the designated occupancy limit.
14. Employees
- a. Bar Employees. Require all bar employees to have valid government-issued identification with them, while working at the property. Require all employees working in the capacity of a waitress or bartender to wear a uniform and a name tag. The business owner/operator should provide uniforms and name tags for all bar employees. The business owners/operators should maintain an accurate and up-to-date list of employees working at the property. The list should be updated each week. The list should include the name of each employee and a copy of a valid government issued identification card for each employee. A thorough background/criminal check shall be conducted on all personnel employed at the location including current personnel. Proof of background check was performed and maintained by the applicant. Bar service shall only be provided by the applicant's employees. The business operator shall not permit any employee to solicit in or upon the licensed premises, the purchase or sale of any beverage, any part of which is for or intended for the consumption or use of such employee or to permit any employee of such permit to accept in or upon the premises any beverage which has been purchased or sold there in any part of which beverage is for or intended for the consumption or use of any employee. Additionally, any person(s) employed by the applicant as a waitress shall not be allowed to sit with the patrons while in the establishment. *(Recommended by LAPD, modified by the Zoning Administrator)*

CONDITIONS OF APPROVAL APPROVED BY PLUM ON 11/19/13

- b. STAR Training. Property owners, business owners/operators, and bar employees will attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department within 90 days of the date of this case conference. The property owners and business owners/operators should maintain proof of each employee's attendance and have it available on the premise for inspection by LAPD or Alcoholic Beverage Control. Require subsequent hires to attend the STAR training program within 90 days of their date of hire. Employees should get refresher STAR training on a yearly basis. Employees who do not speak English fluently must attend a Spanish presentation. The property owners, business owners/operators, and bar employees will attend City Help Achieving Magnificence Program- C.H.A.M.P Training sponsored by the Los Angeles Police Department on an annual basis. The free training will be provided in the month of July and coordinated by the City-wide nuisance Abatement Team at 213-486-0910. *(LAPD recommendation)*

15. Lighting

- a. Adequate interior and exterior lighting shall be installed in all areas within the business in conformance with the applicable laws and/or building code. The lighting shall be such that it renders all objects and persons clearly visible. Lighting fixtures shall be secure so that unauthorized individuals cannot remove or break light bulbs. Replace any damaged or broken lights immediately. *(LAPD recommendation)*
- b. Light fixtures shall be secure so that unauthorized individuals cannot remove or break light bulbs. Replace any damaged or broken lights immediately. *(Recommended by LAPD)*
- c. The lights should remain on during business hours. The lights should not be directed at the residential neighborhood. *(Recommended by LAPD)*

16. Loitering and Trespass

- a. Loitering is strictly prohibited on or around the premises or the area under the control of the business owner/operator. Do not permit any person, including bar occupants, to loiter in the areas adjacent to the bar. Loitering includes, but is not limited to, the following actions: lingering idly on the property; remaining on the property for illegal purposes, and not being able to provide a satisfactory explanation for one's behavior or presence. Ask bar patrons to leave the area after the bar is closed. Ask individuals loitering on the sidewalk direct. *(Recommended by LAPD, modified by the Zoning Administrator)*
- b. Do not allow anyone to trespass on the property. Post and maintain the following signs at each entry point or approach to the property; the signs should say: "NO TRESPASSING, NO LOITERING, NO DRUGS, NO DRUG DEALERS, NO PROSTITUTION, NO WEAPONS, NO DRINKING OF ALCOHOLIC BEVERAGES. THE LOS ANGELES POLICE DEPARTMENT

CONDITIONS OF APPROVAL APPROVED BY PLUM ON 11/19/13

MAKES REGULAR AND FREQUENT PATROLS OF THIS PROPERTY. The signage shall have lettering of at least two inches in height and be written in English and Spanish. *(Recommended by LAPD, modified by the Zoning Administrator)*

- c. Provide a completed and signed "Trespass Arrest Authorization" form authorizing LAPD to arrest individuals unlawfully loitering on the property, pursuant to LAMC 41.24. *(Recommended by LAPD)*
17. Maintenance. Ensure proper maintenance of interior and exterior of the bar. Including, but not limited to, the prompt removal of graffiti. Remove any graffiti from the premises within 48 hours. Keep premises clean and free from trash or debris. The property shall be maintained clean and free of litter/trash within 45 minutes after the business closes. *(Recommended by LAPD)*
18. Parking *(Recommended by LAPD)*
 - a. A valet ticket shall be issued to all patrons who utilize the valet service and a portion of the valet ticket, or a taxi cab receipt, shall be presented at the door to enable entrance to the business/bar. Patrons shall be encouraged not to park in residential neighborhoods. Valet parking shall comply with Ordinance No. 182,742 establishing Valet Parking Operator and Valet Parking Attendant permits. *(Modified at PLUM)*
 - b. Use of any non-publicly owned or operated off-site parking space shall require verification of a lease or Mater Covenant and Agreement submitted to the Office of Zoning Administration. Use of such space, governed by the Commercial Corner Development Ordinance (i.e., Section 12.22-A,23, Los Angeles Municipal Code), may require discretionary review, if the hours of use are between 11 p.m. - 7 a.m.
19. Security *(Recommended by LAPD)*
 - a. On Mondays, Tuesdays, Wednesdays, Thursdays and Sundays five state licensed, bonded and uniformed professional security guards shall be present at the property during all hours of operation. On Fridays and Saturdays, six bonded and uniformed professional security guards shall be present at the property during all hours.
 - b. One security guard should be present at the entrance to the bar to maintain a count of the number of patrons entering and leaving the bar, e.g., use a clicker to count patrons. The security guard stationed at the door shall use an electronic age verification/identification device to check the identification of patrons. Devices shall be maintained in working order and used to verify the age of person entering the premise.
 - c. A minimum of one security guard shall be roving in the parking lot/exterior of the bar. During the exterior patrol, the security guard will monitor the exterior of the bar and parking lot to ensure no loitering, alcohol consumption, public

CONDITIONS OF APPROVAL APPROVED BY PLUM ON 11/19/13

urination or any other criminal activity related to the bar.

- d. A roaming security guard shall patrol/monitor the off-site parking spaces under the control of the property owner/operator or established by lease agreement or Master Covenant and Agreement.
 - e. Two or more security guards shall be inside the bar/premises in a roaming capacity and one security guard shall be outside in the parking lot. A roaming patrol car shall be in effect on Simpson Street to patrol the immediate area.
 - f. Security guards shall screen all patrons entering the bar with handheld metal detector wands during operating hours. Also the security guards shall search all bags, backpacks and purses.
 - g. All security guards working at the bar should comply with the requirements of California and Business Professions Code Section 7582.26(f) which requires that guards wear a distinctive uniform, with a patch on each shoulder reading "private security," containing the name of the private security company for which the guards are employed. The guard shall possess his or her guard permit at all times with photographic identification and present them to law enforcement personnel upon request. Guards should have radio communication with each other.
 - h. Require the security guards to keep a daily log of incidents that occur at the [roperty. These logs shall be kept for at least six months and available to LAPD for inspection upon request.
 - i. Security shall remain at the location until 45 minutes after closing.
20. Noise. Keep the noise level from the bar at the appropriate levels so as not to impinge on the residential neighborhood by compliance with the City of Los Angeles Noise Ordinance Nos. 144,331 and No. 161,571, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible. *Recommended by LAPD, modified by the Zoning Administrator)*
21. A copy of these conditions shall be retained on the premises at all times and be immediately produced upon request by any law enforcement official. All employees shall be made familiar with the aforementioned conditions and implement them as necessary.