

# LOS ANGELES POLICE DEPARTMENT



**CHARLIE BECK**  
Chief of Police

P. O. Box 30158  
Los Angeles, Calif. 90030  
Telephone: (213) 484-3010  
TDD: (877) 275-5273  
Ref #: 4.5

**ERIC GARCETTI**  
Mayor

June 8, 2018

Sharon Dickinson, Deputy City Clerk  
Office of the City Clerk  
Room 395, City Hall, Mail Stop No. 160

To Whom It May Concern,

The Los Angeles Police Department, Rampart Area Vice, has reviewed the Public Convenience or Necessity (Caldera) application for the Bar Keeper, located at 614 North Hoover Street [File No. 18-0408; CD-13]. The application is requesting a new Conditional Use Beverage (CUB) in order to obtain an ABC license for sales of a full line of alcoholic beverages for offsite consumption (Type 21), along with onsite instructional tasting only (Type 86).

Rampart Area Vice has no opposition to the requested application as long as conditions as set forth in the approved CUB are adhered to.

For additional information, please contact Sergeant Min, Officer-in-Charge, Rampart Area Vice, at (213) 484-3687.

Very truly yours,

**CHARLIE BECK**  
Chief of Police

A handwritten signature in black ink, appearing to read "JEFF NOLTE".

**JEFF NOLTE**, Captain  
Commanding Officer  
Rampart Area

Attachment

CHARLES J. RAUSCH, JR.  
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
HENRY CHU  
LOURDES GREEN  
THEODORE L. IRVING  
ALETA D. JAMES  
FRANKLIN N. QUON  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
CITY PLANNING

VINCENT P. BERTONI, AICP  
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<http://planning.lacity.org>

March 22, 2018

Joe Keeper  
Bar Keeper, (A)  
614 N. Hoover Street  
Los Angeles, CA 90004

614 Hoover Partners LLC (O)  
4427 Santa Monica Boulevard  
Los Angeles, CA 90029

FE Design & Consulting (R)  
327 E. 2<sup>nd</sup> Street, #222  
Los Angeles, CA 90012

CASE NO. ZA 2017-4922-CUB  
CONDITIONAL USE  
614 North Hoover Street; 616 – 620 ½  
North Hoover Street  
Silver Lake – Echo Park – Elysian  
Valley  
Zone : C1.5-1VL  
D. M. : 141A201  
C. D. : 13  
CEQA : ENV-2017-4923-CE  
Legal Description: Lot 10, Block I,  
Lincolnian Heights Tract

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

a Conditional Use to allow the sale and dispensing of a full line of alcohol for off-site consumption and for on-site tasting in conjunction with a retail store,

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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. **Prior to the effectuation of this grant**, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per LAMC Section 19.01-E, 3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.
7. Authorized herein is the sale of a full line of alcoholic beverages for off-site consumption and the incidental on-site tasting of a full line of alcoholic beverages, in conjunction with an approximately 1,431 square-foot retail store. No indoor or outdoor seating is permitted.
8. The hours of operation shall not exceed 11:00 a.m. to 10:00 p.m., daily. No after-hours use is permitted, except for routine clean-up.
9. There shall be no live entertainment, pool tables, coin-operated games, or video machines permitted on the premises at any time.
10. Lighting shall be installed in all areas of the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons within and outside of the establishment clearly visible.
11. Loitering is prohibited on or around these premises and any area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
12. Prior to the utilization of this grant, a phone number and an email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
  - a. Entry, visible to pedestrians.
  - b. Customer service desk, front desk or near the cash registers.

The applicant shall maintain a log of all complaints, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to

continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within 24 hours.

13. The conditions of this grant, any applicable police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator shall be retained on the premises at all times and be immediately produced upon request of the Los Angeles Police Department, the Department of City Planning, State Department of Alcoholic Beverage Control or other responsible agencies.
14. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all the ABC conditions as well as all the conditions of this grant. This form and the conditions of approval, including ABC conditions, shall be maintained on the premises at all times and produced immediately upon request of the Police Department, the Zoning Administrator, the Department of Building and Safety or other enforcement agency.
15. 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.
16. Within the first six months of utilizing the grant at this establishment, all employees involved with the sale of alcohol 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 Department of City Planning as evidence of compliance. 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. STAR training shall be conducted for all new hires within two months of their employment hire date and on an annual basis for all other employees.
17. Petitioner(s) shall install and maintain security cameras that cover all common areas of the business, high-risk areas, entrances and exits. The video surveillance system recordings shall be kept for 30 days and made available to the Police Department upon request.
18. No pay phone shall be maintained on the exterior of the premises.
19. 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 an effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.

20. Any background 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.
21. The Zoning Administrator reserves the right to require that a 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. 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.
22. **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.
23. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

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

damage, including from inverse condemnation or any other constitutional claim.

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

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

### **TRANSFERABILITY**

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

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

### **APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public

agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **APRIL 6, 2018** 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 the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

#### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the statements made at the public hearing on March 13, 2018, 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 permit under the provisions of Section 12.24-W have been established by the following facts:



**BACKGROUND**

The property is an irregularly-shaped, level lot consisting of approximately 5,034 square feet (0.12 acre) of lot area with approximately 55 feet of frontage along Hoover Street Boulevard and a varying lot depth ranging from 95.9 to 122.45 feet. The property is composed of one legal parcel and is currently developed with a one-story retail building and a rear one-story residential building. The subject request involves the subject commercial building that faces Hoover Street.

The property is zoned C1.5-1VL and designated for Neighborhood Commercial uses by the Silver Lake-Echo Park-Elysian Valley Community Plan.

The subject site is surrounded by both commercial and residential uses. The property to the north of the subject property is zoned C1.5-1VL and is developed with a one-story commercial building that is currently vacant. The property to the south is zoned C1.5-1VL and is developed with a one-story commercial building housing a mix of uses including clothing stores, a party supply store, and a travel agency. The property to the east is zoned RD2-1VL and is developed with single-family housing. The property to the west, across Hoover Street, is zoned PF-1XL and is developed with an LADWP station.

Hoover Street, which abuts the subject site to the west, is a designated Collector Street, with a designated right-of-way width of 66 feet and a roadway width of 40 feet. Hoover Street appears to be dedicated to a currently right-of-way width of 56 feet; however, no dedication is anticipated to be required in conjunction with the requested action.

**Previous zoning related actions on the site/in the area.**

Subject Property

None

Surrounding Properties

None

**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 charge of any sort shall be made for tastings at an instructional tasting event.
- An instructional tasting event may only take place between the hours of 10 a.m. and 9 p.m.
- At all times during an instructional tasting event, the instructional tasting event area shall be separated from the remainder of the off-sale licensed premises by a wall, rope, cable, cord, chain, fence, or other permanent or temporary barrier. The type 86 license-holder shall prominently display signage prohibiting persons under 21 years of age from entering the instructional tasting event area.
- A single tasting of distilled spirits cannot exceed one-fourth of one ounce and a single tasting of wine cannot exceed one ounce.
- No more than three tastings of distilled spirits or wine shall be provided to any person on any day. The tasting of beer is limited to eight ounces of beer per person per day.
- Signs shall be posted in English and in the predominant language of the facility's clientele, if different, that California State Law prohibits the sale of alcoholic beverages to persons who are under 21 years of age.
- Alcohol sales shall stop at 10 p.m.
- Staff shall monitor the immediate vicinity to insure that no public consumption of alcoholic beverages occurs.
- No self-service of alcohol is permitted.
- No "Happy Hour" is permitted.
- The alcoholic license(s) shall not be exchanged for a public premise license.
- There shall be a sign at the store exit which reads "No Alcohol Consumption permitted beyond this point."
- No sale of miniature bottles under 50 mL is permitted.

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

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

### **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 request involves the relocation of a retail store, currently located on Sunset Boulevard, to property on Hoover Street. The store's focus is on specialty bar products including vintage barware, glassware, bitters, as well as on the off-site sale of a full line of alcoholic beverages. The mode and character of the store will remain the same as that found at the existing location, where the applicant currently operates per a conditional use permitting the off-site sales. The applicant notes that due to increasing rents, the store needs to relocate to the subject location, which is still in relative proximity to the current location. In addition to continuing the sale of off-site sales of alcohol, the applicant also is requesting to the State on-site alcohol tastings, as controlled by a Type 86 license. This license allows certain qualified suppliers to conduct "instructional tasting events" at off-sale retail locations, and to provide tastes of alcoholic beverages to consumers under very specific conditions, restrictions and limitations. A separate restricted tasting area at the rear of the store is proposed in the floor plan.

The property is composed of one legal parcel and it is currently developed with a one-story retail building and a rear one-story residential building. The subject request involves the subject commercial building that faces Hoover Street. Up until recently, the retail building was one business, "Uno Market", which had a Type 20 license to sell beer and wine for off-site consumption. There is no history of a prior conditional use on the property, thus it appears that the license's issuance predates the creation of a conditional use process for alcohol sales. The market closed and the building was divided into two retail tenant spaces. The applicant will move into one of the two tenant spaces. In the other existing tenant space, a new business, "Vinovore", recently opened, which is using the existing Type 20 license.

At the public hearing, the applicant and his representative testified noting that the store has been recognized for its unique type merchandise, setting it apart from a traditional liquor store and describing it more as a boutique operation. The applicant indicated that his store has been at the Sunset Boulevard location since 2006 and has maintained an alcohol license there since 2010. The addition of on-site tastings at the new location, which will be conducted in strict accordance with the State's limitations regarding the Type 86 license, is considered an added amenity for patrons of the store. Hours are reasonable and the operation will not extend past 10 p.m. Also testifying at the public hearing in support of the request was a representative of the Office of the Thirteenth Council District.

A letter, dated February 27, 2018, was received from the Police Department's Rampart Area's Vice stating that the Department had no opposition to the request, subject to a number of recommended conditions. Said conditions, as these apply to the nature of the operation, have been incorporated into this grant. Additionally a letter from the Silver Lake Neighborhood Council, dated March 9, 2018, was received in support of the request, noting that the application also represented an

effort to stay in the Silver Lake community. Two other communications in support were also received.

The grant of the request allows for the continuation of a service that has carved out a specialty niche and has been a part of the community for some time. The new location is the former site of a market which had an alcohol license, so off-sites would be operationally similar in nature with the prior use, although offering such sales in a more curated manner. The new location is close enough to the current store and thus allows existing patrons to have access to the many of the more unique merchandise that is sold. As such, the request continues to provide a beneficial service to the community and through the proposed new tenant space improvements to the existing space, it also will enhance 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 project site is located on Hoover Street, on the easterly border of what is commonly referred to as the Silver Lake neighborhood. As noted, the request is for a conditional use to allow the sale of a full line of alcoholic beverages for off-site consumption and on-site incidental tastings in conjunction with a new retail store that is relocating from a location less than a mile away. The applicant notes that the new space is larger which will also be able to showcase more the unique merchandise that is not alcohol.

The Zoning Administrator has imposed a number of conditions which also reflect those recommended by the Police Department. These conditions are intended to insure compatibility with surrounding uses. Such conditions include operational requirements that address security, lighting, noise, alcohol sales-training for employees and a hot line for complaints or concerns. There are also recommended conditions for the consideration of the State identified in the Background section which address alcohol-related issues, some of which reference those limitations regulated by the on-site tasting type of license and other that were submitted by the Police Department. As noted, the hours are reasonable and more characteristic of a retail establishment as opposed to a liquor store. This further diminishes the potential for nuisance activities or disturbances for the immediate neighborhood. Thus, as conditioned, the request is not anticipated to degrade adjacent areas, properties or the neighborhood and or impact public health, welfare and safety.

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

The Silver Lake – Echo Park – Elysian Valley Community Plan Map designates the property for Neighborhood Commercial land uses with corresponding zones of C1, C1.5, C2, C4 and RAS3. The property is not within any Specific Plan.

There are several 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 the 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 is silent with regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Plan. The Los Angeles Municipal Code authorizes the Zoning Administrator to grant the requested conditional use in corresponding C1.5 Zone. The request conforms to the Community Plan in that it aims "...to preserve and improve the quality of pedestrian-oriented commercial centers..." and also "... encourages, where appropriate, intensification, re-use and more efficient use of obsolete or underused commercial space..."

#### **ADDITIONAL REQUIRED FINDINGS FOR THE SALE OF ALCOHOLIC BEVERAGES**

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

The request to allow the sale of a full line of alcohol within a proposed retail store is anticipated to improve the property by providing additional amenities and services. The subject property is designated and zoned for commercial land uses and is located along a portion of Hoover Street that is developed with similar commercial uses. The applicant is relocating his existing store which has a positive track record of operation. The grant imposes numerous conditions to prevent adverse impacts and to integrate the use into the community. Therefore, as conditioned herein, the request is not anticipated to 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 Retail Licenses Report, there are two (2) on-site sales licenses and one (1) off-site sale licenses allocated to the subject Census Tract No. 1959.03, which has a population of 2,216 according the most recent census report. There are currently one (1) on-site and one (1) off-site licenses existing within the Census Tract.

The request will result in the addition of one off-site license to this Census Tract. However, the applicant will be transferring his existing off-site sale license to this location from the directly-abutting Census Tract (1959.01), with a net result of one less license in said abutting Census Tract. Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. Furthermore, the grant includes conditions of approval in order to prevent public drinking and loitering as well as other conditions which have been recommended for further consideration by the State of California Department of Alcoholic Beverage Control as these relate to alcohol sales.

Statistics from the Los Angeles Police Department's Northeast Division Vice Unit reveal that in Crime Reporting District No. 204, which has jurisdiction over the subject property, a total of 193 crimes were reported in 2017 (158 Part I and 35 Part II crimes), compared to the citywide average of 191 crimes for the same reporting period and 229 crimes for high crime reporting districts. Alcohol related Part II Crimes reported include Narcotics (5), Liquor Laws (0), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), and DUI related (6). These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years

The numbers indicate that the subject project is located within a reporting district with a slightly higher rate than the citywide average. However, no evidence was submitted for the record establishing any link between the subject site and the area's crime rate. Nonetheless, the Police Department has reviewed the request and stated no opposition to it and also recommended a number of conditions which are part of this grant. The grant imposes numerous conditions related to the operation of the subject business intended to address any potential impacts. The conditions will help to safeguard the welfare of the community. Within the urban context of Hoover Street, the proposed specialized sale of alcohol will be consistent with the character of other development in the area.

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.**

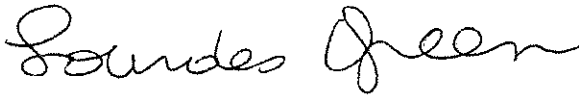
The subject site is surrounded by both commercial and residential uses. Residential uses are located within 500 feet of the subject site; however, no other sensitive uses are located within 1,000 feet of the project site. There is an abutting tenant space which sells beer and wine for off-site sales with a similarly curated emphasis on wine only. Such proximity is not anticipated to affect any nearby sensitive uses but rather will reinforce a neighborhood-oriented amenity. The request has the support of the neighborhood council, the Council Office and it has been reviewed by the Police Department, which has stated no opposition.

Therefore, the use will not detrimentally affect nearby residential zones or other sensitive land uses in 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. Determined based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 1, Category 22, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Inquiries regarding this matter should be directed to Jenna Monterrosa, Planning Staff at (213) 978-1377 or [jenna.monterrosa@lacity.org](mailto:jenna.monterrosa@lacity.org).



LOURDES GREEN  
Associate Zoning Administrator

LG:JM

cc: Councilmember O'Farrell  
Thirteenth District  
Adjoining Property Owners