

LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police



ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone: (323) 846-6510
TDD: (877) 275-5273
Ref#: 4.3

June 21, 2018

The Honorable Los Angeles City Council
200 North Spring Street
Los Angeles, California 90012

RE: APPLICATION FOR DETERMINATION OF "PUBLIC CONVENIENCE OR NECESSITY" FOR THE SALE OF A FULL LINE OF ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION AND ON-SITE CONSUMPTION AT SMORGASBURG LA, 757 – 787 SOUTH ALAMEDA STREET AND 1318 – 1329 EAST 7TH STREET, FILE NUMBER 18-0439, CD 14.

Honorable City Council:

The Los Angeles Police Department, Newton Area Vice, has received written correspondence from Council Member Jose Huizar's Field Office, advising that applicant Smorgasburg LA, referred to as such, doing business at 757-787 South Alameda Street and 1318-1329 East 7th Street is applying for a new CUP and Two ABC Licenses, a Type 21 (Off-Sale General) and a Type 47 (On-Sale General).

After reviewing all related material and conducting a preliminary investigation into the related permits, Newton Area Vice is hereby unopposed with the **following recommended conditions:**

NOTE: The suggested conditions will prevent a negative impact on the surrounding community and can also prevent a strain on police resources. The requested conditions are reasonable and designed to encourage the licensee to take a proactive role in protecting the welfare of its patrons and the public.

1. Six months of the date of this determination and within six months of hire, all personnel acting in the capacity of a manager of the premise and all personnel who serve alcoholic beverages shall attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the LAPD. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The subject premise will maintain records of its employees' attendance at STAR sessions, and will make these records available to law enforcement upon request.
2. No live entertainment, including a disc jockey, is permitted. Indoor background music or other noise shall not be audible beyond the interior of the establishment.

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

www.LAPDonline.org
www.joinLAPD.com

3. The Applicant or business owner shall maintain electronic surveillance of all exterior public areas, including the outdoor patio, bar, beer garden, entrances and exits and maintain a 30-day library. All persons acting in the capacity of manager shall be familiar with the video and have the ability to make a copy of the content and provide it to law enforcement officers upon request.
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. Electronic age verifications device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premise at each point-of-sale location. This device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco product.
6. The applicant shall not sublet the premises to outside “promoters” for nightclub or concert activity. Private parties in which the public is excluded from the entire Restaurant/Bar area are permitted if an appropriate one-day permit is submitted for approval to the LAPD, Newton Area Vice Unit and Department of Alcohol Beverage Control 30 days prior to the event date. It is requested that an on-sight manager be available as a liaison between the venue and public agencies (Police, LAFD, etc.).
8. All exterior portions of the site, including the rear alley way, shall be adequately illuminated in the evening to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site and no floodlighting shall be located as to be seen directly by persons on adjacent properties.
9. There shall be no Adult Entertainment of any type pursuant to L.A.M.C. Section 12.70.
10. There will be no dancing on the premises at any time.
11. There shall be no pool tables, billiards tables, electronic games, coin-operated games, or video machines maintained upon the premises
12. Petitioner shall obtain permits from the LAPD, Commission Investigation Division a Café Entertainment and Show (CES) permit for any Live Entertainment and a Dance Hall permit, pursuant to sections 103.102 and 103.106 L.A.M.C.

13. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
14. Any future operator or owner for this site must file a new Plan Approval Application or an equivalent to allow the city of Los Angeles to review the "mode and character" of the usage, and attached appropriate conditions of use.
15. The owner operator shall always maintain the abutting sidewalk and alley free of obstruction. Any sidewalk area patio or alley patio seating must be approved by a revocable permit from the Department of Public Works and be enclosed in such a manner that a passerby cannot grab beverages off the tables.
16. The Petitioner(s) shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Petitioner(s) shall be removed or painted over within 24 hours of being applied.
17. A copy of these conditions shall be maintained on site in the office. Additionally, a copy shall be provided to all employee managers who shall sign an acknowledgement form stating that they have read and understood all the ABC and CUP. Said form shall be maintained at the location by the owner and /or manager who shall present it to LAPD personnel, ABC investigators or any other law enforcement agency upon request. All licenses, permits and conditions shall be posted in a conspicuous location at the subject establishment.
18. Petitioner(s) shall maintain on the premises and present upon request to any law enforcement officer, a copy of the Business Permit, Insurance information and a valid emergency contact phone number for the Security Company service(s), Valet Company service(s), and the property owner.
19. Petitioner shall provide the Zoning Administrator a copy of each license, suspension thereof, or citation issued by ABC or the LAPD upon such instance.
20. The facility shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the facility for uses such as or like rave parties, electronic music parties, or record release parties advertised and open to the general public.

21. There shall be no service, sales or possession of an alcoholic beverage on any sidewalk area or adjacent parking lot or alley way.
22. A "Free Designated Driver Program" shall be implemented in which free non-alcoholic beverages such as water, coffee, tea and soft drinks will be offered to the designated driver of a group. The availability of this program shall be made known to patrons either via a two-sided card placed on all tables and/or a program description printed on the menu.
23. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-I (Miscellaneous Plan Approval), the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add, or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
24. All patron parking shall be in the designated lots according to the parking plan submitted. All parking lots shall be monitored by on-sight parking lot attendants / or security guards. No street parking is requested due to the high likeliness of property crime to occur. It is also requested that each lot have high illumination lighting for the parking lot, and video security surveillance cameras. All valet services we will have proper permits and valet employees will be in uniform and identifiable as such. Valet parking will not be on the street and will need to be in the lot of the businesses choice.

25. Signs shall be posted on the exterior front of the subject facility (including the north facing wall of the building adjacent the parking-lot). Said signs shall be in English and Spanish:

- a. "The California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age." "No Loitering, No Public Drinking, No Trespassing and No Drugs."
- b. "It is a violation of 41.27(d)LAMC to possess any bottle, can, or other receptacle containing any alcoholic beverages, which had been open, or the seal is broken or the contents of which have been partially removed, on or adjacent to these premises."
- c. The signage shall have lettering of at least 2 inches in height.

26. The applicant shall maintain a complaint hotline and log, posting signage in a visible location to all customers of the establishment, advising them of a phone number and contact person to call in the event of a complaint concerning the establishment. The applicant shall also post an exterior sign at the front of the business for community and public use. The applicant shall maintain a log of all calls, detailing: date complaint received, nature of complaint, and the manner the complaint was resolved. This log shall be made available to law enforcement personnel upon request. Complaints shall be responded to within forty-eight hours.

- a. The signage shall have lettering of at least 2 inches in height.

For additional information, please contact Sergeant II Rex Ingram, Officer in Charge, Newton Area Vice, at (323) 846-6510.

Very Truly Yours,

CHARLIE BECK
Chief of Police

A handwritten signature in red ink, appearing to be 'R. Rimkunas', is written over the typed name of Michael P. Rimkunas.

MICHAEL P. RIMKUNAS, Captain
Commanding Officer
Newton Area