

Draft Final Staff Report And Motion
37 Washington Boulevard - Proposed Simmzy's Restaurant
Application For On-Site Alcoholic Beverage Conditional Use Permit

Project Description:

Project Address: 37 Washington Boulevard

Applicant: Simmzy's LLC

Case Numbers: ZA 2012-0569(CUB)
CEQA No.: ENV 2012-570-CE

The Applicant's representative is Moni Dosanjh of RSI Group, Inc., 3187 Airway Avenue, Suite A, Costa Mesa, CA 92626, telephone number (714) 966-9400, cell phone number (562) 301-3362, email address: rsi.monid@gmail.com

Size of parcel: 30' x 63' , a total of 1,889.6 square feet

The parcel is located on the north side of the beach block of Washington Boulevard. Commercial property is on both sides, and in the rear is an alley separating the property from the residences on 30th Avenue.

Size of project: The building on the parcel is 29' 8" x 52' 10", a total of approximately 1,560 square feet. The building is one story tall. Only the ground floor is proposed to be used for the restaurant. The building does not occupy the entire parcel at the rear, where there is a strip of open space approximately 10' deep for the full 30' width of the parcel. This area has some utilities and storage, and is not striped for use in parking cars.

Zoning: C-4-1-O

General Plan Land Use: Community Commercial

Venice Subarea: Marina Peninsula

Hearings And Meetings Conducted:

The applicant mailed notice of a Community Meeting to a radius of 600' and conducted the Community Meeting on October 10, 2012 at the adjoining restaurant, C&O Trattoria. Prior to attending the Community Meeting, some of the neighbors were sent, by email, architectural plans and drawings of the proposed restaurant prepared by the applicant. At the community meeting, the applicant described the project and answered questions from neighbors and other attendees.

On November 7, 2012, the LUPC held a public hearing. The applicant presented the proposed project and answered questions from the community and from the LUPC members. The neighbors expressed their concerns based on the proposed project and their experience with problems caused by other restaurants and bars on the beach block. The LUPC passed a Motion with a recommendation to the VNC Board.

Description of Application:

The applicant is a restaurant operator with several other restaurants in the L.A. area. The applicant proposes to operate a medium-priced restaurant serving beer and wine, with approximately 30 beers on tap. The premises is currently occupied by a retail store, and the change to a restaurant use would normally trigger an increased parking requirement, however the applicant represents that the most recent Certificate Of Occupancy for the property is from 1971 and is for a “restaurant and delicatessen building” with a Maximum Occupancy of 43. No parking spaces were required to be provided when the 1971 Certificate Of Occupancy was issued.

The calculation of parking based upon a restaurant’s Service Floor was not in existence in 1971, and the applicant represents that there is no documentation of any kind which establishes the size of the restaurant in 1971. The City has proposed that an attributed Service Floor for the 1971 restaurant be calculated as 40% of the restaurant building, which is 624 square feet. The City will therefore allow the applicant to operate a restaurant of the same size as the 1971 restaurant, attributed to have a Service Floor of 624 square feet, without requiring additional parking. The City’s proposed 40% allocation does not take into account that the 1971 restaurant/delicatessen had a “Maximum Occupancy” of 43, whereas a service area of 624 square feet would allow for a significantly greater occupancy of approximately 60 patrons.

The applicant seeks to serve beer and wine, which can be considered an intensification of use, and the City can require the applicant to provide parking as a condition of allowing the service of beer and wine.

The Zoning Administrator’s Notice Of Public Hearing has not yet been sent out by City Planning, but it would likely describe the project as follows:

A Conditional Use, pursuant to the provisions of Section 12.24-W.1 of the Los Angeles Municipal Code, to permit the sale and dispensing of beer and wine only for on-site consumption, in conjunction with a proposed 1,560 square-foot restaurant, with a Service Floor area of 550 square feet, seating 56 patrons indoors on the ground floor only, including 6 patrons around a bar, with hours of operation from 9 A.M. to 11 P.M. Sunday through Thursday, and from 9 A.M. to 12:00 P.M. on Fridays and Saturdays, with no parking spaces required or provided.

Primary Issues:

Discussions between the neighbors, the applicant, and LUPC staff have identified issues of concern, and some of the parties have discussed reasonable conditions, accommodations and compromises. These issues include noise, smell, enforcement, and parking, and are addressed below.

A. Noise

Residences are located immediately behind the proposed restaurant, across a 20' wide alley. The applicant originally proposed serving patrons on the second floor outdoor patio, and those neighbors expressed vocal opposition due to the expected noise. Additional parking spaces

would have been required for the outdoor patio because the total Service Floor area would have been larger than the attributed size of the 1971 restaurant's Service Floor. The applicant was unable to locate parking spaces and withdrew the proposal to have a second floor outdoor patio. The neighbors requested that the conditions of approval make it clear that only the first floor can be used by patrons of the restaurant, and that no present or future use of the second floor be allowed, except for storage.

Hours of Operation:

The concern of the neighbors is that the restaurant is really a bar serving 30 different beers on tap, and will be loud and will disgorge unruly patrons onto the streets late at night. The LUPC sought to address this concern by limiting service of alcoholic beverages to patrons who are seated at one of the seats shown on the floor plan submitted by the applicant, which is what would be expected in a restaurant. A 50% limitation on the percentage of gross revenue from alcoholic beverages is standard for a restaurant, along with record-keeping requirements, but this condition may be difficult to enforce.

The hours of operation proposed by the applicant are 9 A.M. to 11 P.M. Sunday through Thursday and 9 A.M. to 12 A.M. on Friday and Saturday. These hours are considered too early for opening time and too late for closing time by some of the neighbors, who believe the restaurant should open later in the morning and should close at 10 P.M. Sunday through Thursday and at 11 P.M. on Friday and Saturday. The closing hours suggested by the neighbors are consistent with the other restaurants on the beach block.

A question regarding the hours of operation the hours is, when does the kitchen take its last order, and how long after closing time can customers remain on the premises to finish their food and drinks? If the hours of operation are the hours when customers are permitted inside the restaurant, then the applicant will have to stop taking food and drink orders a sufficient time in advance of the closing time so that customers have departed when closing time comes.

The LUPC recommended approval of the hours proposed by the applicant, except that the kitchen shall close ½ hour before closing time, and all alcoholic beverages must be out of the customer's hands at closing time.

Deliveries And Trash/Recycling And Clean-Up Activities Outdoors In The Back Area:

The applicant has proposed to use the front door of the restaurant for deliveries to the greatest extent possible as allowed by the City of Los Angeles and County Health Department. The question is how to enforce this vague promise. If the applicant can determine the conditions under which the City and the Health Department allow deliveries through the front door, then this condition of approval can be made more specific by the Board of the Venice Neighborhood Council at the Board hearing.

The applicant has proposed that the hours for deliveries, loading, and unloading which take place in the alley adjoining the residences will be 8 A.M. to 8 P.M. Monday through Friday, and 9 A.M. to 7 P.M. on Saturday and Sunday. The applicant has proposed to request that trash collection and recycling collection are not done in the early morning, but the applicant is not willing to make any guarantees for trash and recycling collection. The neighbors have experienced disruptions by deliveries and trash trucks, and request shorter hours. The LUPC has

recommended that deliveries, loading, and unloading made from or through the alley at the rear of the building shall be between 8 A.M. and 5 P.M. Monday through Friday, and between 10 A.M. and 5:00 P.M. on Saturday and Sunday. The applicant has agreed to conduct all clean-up indoors. The LUPC has proposed that other outside activities at the rear area of the building, specifically trash disposal and pick-up, recycling disposal and pick-up, and clean-up, can only take place between 10 A.M. and 3 P.M. from Monday through Saturday.

Retractable Front Windows/Doors:

The applicant is proposing a retractable front windows, which will allow noise to project outside of the building while the windows are open. The LUPC has recommended that the retractable front windows and doors can open no earlier than opening time, and shall be closed by 9 P.M. Sunday through Thursday and by 10 P.M. on Friday and Saturday

B. Exhaust Smoke and Smell

Due to the proximity of the residents to the smoke coming from the restaurant's wood-fired ovens cooking burgers and pizza, among other foods, it is possible that some residents could experience a frequent smell of cooking food. The applicant has suggested that the exhaust fans be positioned on the roof so that they blow the smoke away from the residences, and that it is not possible to commit to the position the exhaust fans at this time. The applicant has also identified several technologies that could be installed to remove the smoke and the smell from the exhaust fan, however these are very expensive (\$40,000 - \$60,000).

If a condition of approval is not included to address the smoke/smell issue at this time, it is unlikely that there will be another timely opportunity to do so. However, it would be wasteful to require an expensive solution when it is not yet known if there is going to be a problem. The difficulty is in drafting language which only requires installation of expensive measures if there is problem, yet is enforceable. For this reason, the LUPC recommended that the applicant be required to install a pollution control unit that is designed to remove all smoke and odors, using the best available technology.

C. Enforcement

A common problem is that conditions of approval are not followed by the applicant after a project is completed. Most people agree that the City has not devoted sufficient resources to enforcement. When a Plan Approval is required at a future date to assess compliance with the conditions of approval, the neighbors affected by violations are sometimes left to wait for months and years for a solution. When no Plan Approval is required, the neighbors affected by violations are left without any meaningful remedy.

This staff report includes a new condition of approval which absolutely requires the City to conduct a Plan Approval if there are 3 documented violations of conditions of approval within any 12-month period. The devil is in the details, and a clear definition of a documented violation needs to be prepared, along with a means to protect the applicant from clearly unreasonable claims of violation. The purpose of this new condition is to give the community a strong and clear procedure for seeking a remedy for violations of conditions of approval, and to promote cooperation by the applicant in resolving a claim of violation, to avoid the expense of a Plan

Approval proceeding.

D. Parking

The Planning Department is taking the position that the proposed restaurant can be opened with a Service Floor area of 624 square feet, without providing any parking spaces. It is unclear whether the Planning Department believes that the applicant can also served alcoholic beverages without providing any parking spaces. The City's position fails to address the "Maximum Occupancy" of 43 shown on the 1971 Certificate of Occupancy for the restaurant/delicatessen. It is unclear if this limitation includes employees, or just patrons. The proposed restaurant has a Service Floor area of slightly less than 624 square feet, but has seats for approximately 60 patrons.

If parking is required for the proposed restaurant to open, the project will likely not move forward. If the restaurant is granted a conditional use permit to serve beer and wine without requiring parking, it is unlikely that there will be a future opportunity to require the applicant to provide parking.

While there may be some parking spaces available for lease at night and on weekends, there are no parking spaces available near the site which can be leased during the weekdays. The Westside Leadership Magnet School and some of the nearby businesses may be willing to lease parking spaces for valet parking at night and on weekends when the school and the businesses are closed. The Washington Blvd./Venice Pier beach parking lot is also be available at night, but not during the day in the summer.

The question is how to balance the inability to obtain leased, unrestricted, parking spaces, with the importance of having each business provide parking for its customers and employees. One solution is to require the business to provide parking spaces but only during the days and hours that leased parking spaces are available.

Another solution is to require the applicant to provide a certain number of parking spaces in the future, with this obligation becoming enforceable only when a business district or a Modified Parking Requirement (MPR) District or similar plan or organization is formed to address parking for the businesses on the beach block of Washington Boulevard. The LUPC recommended this requirement as a condition of approval.

It is rumored that the Coastal Commission is pressing the County to open the Washington Blvd./Venice Pier beach parking lot at night. If this lot is opened for use at night for customers of local businesses, and for overnight use by residents, it would relieve a lot of the parking pressure in the neighborhood. If the County is unwilling to cooperate, the City could remove the Washington Blvd./Venice Pier parking lot from the Joint Powers Agreement with the County and take over management of the parking lot, which would allow for more responsive management. It may also be feasible to assemble a group of the beach block businesses and property owners to jointly pay for the lot to be open at night, or perhaps even to manage the parking lot.

Community Comments/Feedback/Position

The neighbors around the beach block of Washington Boulevard have lived with many restaurants and a few bars for years, and they have encountered the operational problems. Some

neighbors accept that a new restaurant may be allowed to open at this site, but they oppose any bar-type establishment that would increase the existing problems. Other neighbors accept that the restaurant will be permitted to open at the proposed location, and have focused on drafting conditions of approval to minimize the impact on the neighbors. Below is a selection of the neighbors' concerns, numbered for ease of reference. The emails transmitting these concerns to the LUPC will be posted on www.Cityhood.org, with name and other identifying features removed.

1. I am in favor of new restaurants on Washington but not loud, drunken people bars.
2. whether there's anything we can do to stop this influx of bars/cabarets, which draw unsavory types of people, result in unacceptable activities in the area, increase crime, and cause noise levels that are against the law but which laws the LAPD does not necessarily enforce.
3. We do not understand why bar after bar is allowed to open up in our area, which is adjacent to the residential community where we all live.
4. I do not want another loud bar in our neighborhood.
5. not a bar or cocktail lounge
6. I personally believe allowing the Simmzy's in our neighborhood to close at midnight is too late on Friday/Saturday for an establishment that is being characterized as more of a restaurant than a bar/club. ... A number of the other restaurants on Washington Blvd. close at 11pm or earlier on most nights including the weekends and there's no reason why Simmzy's shouldn't also close then or earlier.
7. I went to Manhattan Beach on Labor Day Weekend at about 9pm to see the Simmzy's there for myself and listen to the noise levels. I wanted to see first hand what the place would be like on one of the busiest days of the year. First off, customers are packed in the restaurant like sardines and stand all around the place like a typical bar/club as opposed to a restaurant setting. Secondly, the noise level from the street was tremendous just from the crowd and I couldn't even hear any background music because the crowd was so loud. Third, if I am reading the plans that have been sent to us correctly, the proposed restaurant will have an outdoor patio facing Washington on the first floor. This is the same set up that the Manhattan Beach location had and in my view the primary cause of the noise that was all being projected out to the street and surrounding area. Lastly, the location in Manhattan beach didn't appear to have residencies within 500 feet like our neighborhood. Even so, the hours in the Manhattan beach location are stricter than the hours for the proposed location in our neighborhood.
8. I am very concerned about the occupant load
9. The permitted Service Area Occupant Load is 37 yet there are 56 proposed seats in the applicant's plans
10. if alcohol is going to be served the City should require the provision of parking.
11. I am opposed to the serving of alcohol at these premises and would object to the issuance of a beer and wine license to this restaurant without sufficient parking. ... My primary concern

remains that this business is being described as a restaurant but its operating hours and operating characteristic are more akin to a bar/pub and without sufficient parking, and as such the neighborhood will greatly suffer from the impact of this business. There are also occupancy issues and other noise impact issues that are of concern to me.

12. the roof area will never be allowed to be used for any purpose, even if going through a new approval process at a later date, and that something should be added to the conditions, that no one can use it for breaks, or any purpose at all.

13. no patio or other outdoor use on the second floor

14. restaurants leave their back doors for ventilation for the cooking area. This causes more noise disturbances for the neighborhood.

15. valets parking on street and driving fast on alleys

16. One of the other complaints of the neighbors is the clean up after closing. The washing down of floor mats and disposing of bottles and cans that goes on in the alley. I realize this has to be done but with their proposed 11:00 pm closing time this will go on into the wee hours of the morning.

17. mechanical equipment on roof should be positioned as far from the residences as possible to protect the neighbors from noise

18. I would like to know where the exhaust from the kitchen will be pointing/blowing. We currently get a ton of food odor from C&O at my place and the owner of Simmzy's Mike Simms told me on a call I had with him that the restaurant prides itself on the burgers. That is all well and good but I don't think we need to be taking in that odor all day so all efforts should be made to direct the kitchen exhaust toward Washington Blvd. and not toward the residences close by.

19. noise and smoke from employees using the alleys for breaks and smoking

20. early-morning noise from trash trucks

Motion Passed by LUPC:

Pursuant to Los Angeles Municipal Code Section 12.24-W.1, the Venice Neighborhood Council Land Use And Planning Committee recommends approval of a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in the C-4-1-O zone, in conjunction with a proposed 1,560 square-foot restaurant, with a Service Floor area of 550 square feet, seating 56 patrons indoors on the ground floor only, including 6 patrons around a bar, upon the following terms and conditions:

- (1) a. Operating hours shall be as follows: 9:00 A.M. to 11:00 P.M. Sunday through Thursday, and 9:00 A.M. to 12:00 A.M. on Fridays and Saturdays. The kitchen shall close ½ hour before closing time, and all alcoholic beverages shall be out of the patrons' hands at closing time. No use of the restaurant (other than for routine indoor clean-up and maintenance) is permitted before or after these operating hours, including for private

or promotional events.

b. The retractable front windows and doors shall be opened no earlier than opening time, and shall be closed by 9 P.M. Sunday through Thursday and by 10 P.M. on Friday and Saturday.

c. The applicant will receive deliveries from the front of the building on Washington Boulevard to the maximum extent allowed by the City of Los Angeles and the Los Angeles County Health Department, and the applicant will make reasonable expenditures to make such deliveries feasible and possible.

d. When deliveries, loading, and unloading are made from or through the alley at the rear of the building, it shall be permitted to occur only between the hours of 8:00 A.M. to 5:00 P.M. Monday through Friday, and 10:00 A.M. to 5:00 P.M. on Saturday and Sunday.

e. When trash/recycling pick-up is made from or through the alley at the rear of the building, it shall be permitted to occur only between the hours of 10 A.M. to 3 P.M., Monday through Saturday.

f. The applicant shall ensure that contracts with all vendors making deliveries and with trash/recycling pick-up include a requirement of compliance with the restrictions contained in this grant, or that these vendors are otherwise notified of these restrictions and are required to comply.

g. All cardboard, glass, and aluminum generated by the business shall be recycled. All trash/recycling containers shall be locked when they are not in active use by the applicant.

h. When clean-up is conducted outside at the rear of the building, or when trash/recycling items are emptied or disposed into outside containers at the rear of the building, it shall be permitted to occur only between the hours of 10 A.M. to 3 P.M., Monday through Saturday.

i. The back door leading to the alley shall be kept closed at all times when not in active use by the applicant. The back door leading to the alley shall not be kept open for ventilation or cooling. The back door leading to the alley shall not be used by patrons at any time except as an emergency exit. No employees shall use the outdoor area at the rear of the premises for breaks, eating, smoking, or for any other purpose besides actively working.

j. Only the ground floor of the premises shall be accessible to patrons. The second floor and the roof shall not be accessible to patrons.

k. Any portion of the second floor which is not completely enclosed with walls, ceilings, and closed windows shall not be used by employees for breaks, eating, smoking, or for any other purpose besides actively working.

l. All rooftop mechanical equipment shall be placed as far as legally possible from the rear of the premises and the adjoining residences.

- m. The applicant shall make an effort to control any other unnecessary noise made by deliveries, contractors, or employees, and shall make an effort to control any other noise associated with the operation of the restaurant or equipment serving the restaurant.
- (2) a. The applicant shall provide 12 off-street, off-site parking spaces, however this requirement shall not be enforceable unless and until a business district or a Modified Parking Requirement (MPR) District or similar plan, program, or organization is formed to address parking for the businesses on the beach block of Washington Boulevard. The applicant's obligation to provide these parking spaces will be satisfied by a pro-rata participation in any plan, program, or organization that is approved to address parking in this immediate area.
- b. If and when this parking requirement becomes enforceable, employee parking shall be provided free to employees who drive to work, while they are working, and all employees shall park in these off-street, off-site parking spaces and not on adjacent public streets. Employees shall be informed that parking on adjacent public streets will result in disciplinary action, including an up to termination of their employment
- c. If valet parking is provided, the route of travel for any valet parking attendant shall be delineated on a map and submitted for the approval of the Zoning Administrator, and shall be rejected if the route is reasonably likely endanger pedestrians or cause noise, traffic, or other disruption to adjacent residential property. No valet parking attendant shall park a vehicle on any public street. No valet parking attendant shall cause or allow the encroachment of a vehicle into the path of other vehicles on any public street while the vehicle is being picked up or delivered by the valet parking attendant.
- d. The curb directly in front of the subject premises on Washington Boulevard shall not be utilized as a loading zone without approval by the Department of Transportation and shall not be used or designated as parking for the exclusive use of the restaurant.
- (3) The applicant shall install a pollution control unit that is designed to remove all smoke and odors, using the best available technology.
- (4) The alcoholic beverage license shall be a California Department Of Alcoholic Beverage Control Type 41 license, and the premises shall be maintained as a bona fide eating establishment/restaurant. An operational kitchen shall be maintained in the restaurant, and there shall be a menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times that alcohol is being served and at all times that the restaurant is open for business, except that the kitchen shall close a ½ hour before the closing time, so as to allow all patrons to finish their meal and depart from the premises by closing time. Alcohol may be served without a food order. Only a 6-seat bar is permitted, and no cocktail lounge is permitted. All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender, and only for patrons already seated at a table or seated at the bar. Patrons shall not be served while standing or while waiting to be seated. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same time period. The licensee shall at all times maintain records which reflect separate dollar amounts for the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to any City

Department upon request.

- (5) a. The use of the property shall be conducted at all times with due regard for the character of the surrounding neighborhood. If at any time during the period of this grant, documented evidence is submitted to the Planning Department and/or the Department of Building & Safety showing continued violation of any condition of this grant which results in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator shall require the applicant to file a Plan Approval application together with the associated fees, and the Planning Department shall hold a public hearing to review the applicant's compliance with, and the effectiveness of, the conditions of this grant. A violation shall be deemed a continued violation if it occurs three times during within any 12-month period.
- b. Thirty days in advance of the public hearing, the Applicant shall submit to the City Planning Department, two copies of a matrix containing a summary of whether and how compliance with each of the conditions of this grant have been attained, and two copies of a binder with all supporting documentation, and one of these copies shall be for the Venice Neighborhood Council. The applicant shall prepare a radius map and cause a notification of the Plan Approval public hearing to be mailed to all owners and occupants of properties within a 600-foot radius of the property, and also to the Council Office, and to the appropriate Los Angeles Police Department Division.
- c. As part of the Plan Approval process, the Zoning Administrator shall modify, add to, or delete the conditions of this grant in order to protect the peaceful enjoyment of the occupants, residents, business owners/operators, and/or the property owners of the adjoining and neighboring properties, but only if such modification, addition, or deletion of conditions is reasonably likely to substantially reduce the documented disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. Otherwise, the Zoning Administrator shall revoke all approvals granted in this case number and related case numbers.
- (6) a. The applicant shall designate a person as a liaison to the community and shall provide a 24-hour "Hot Line" telephone number for any inquiries, requests, or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the Hot Line telephone number shall be posted on the site so that it is readily visible to any interested party. The Hot Line telephone number shall be posted at the main entrance to the facility, and shall be provided to the immediate neighbors, all local neighborhood associations, the Neighborhood Council, and the Council Office. The Hot Line shall be answered by a live person during operating hours. Calls received during non-operating hours shall be answered by a recording and responded to the next business day.
- b. All inquiries, requests, and complaints received in person, or on the Hot Line, shall be documented in a log by the applicant, including the date and time received, the detailed nature of the call, and the response and disposition. The log shall be made available at a reasonable time for inspection and review and photocopying by the L.A. Police Department, the Zoning Administrator, and any interested person upon request during non-peak business hours. The person(s) designated for the Hot Line shall be aware of these conditions.

- (7) The applicant shall conduct quarterly meetings and shall invite the neighbors, local neighborhood associations, the Neighborhood Council, and the Council Office, to review and discuss and resolve neighborhood complaints regarding the operations of the facility. The applicant shall schedule and disseminate notice of these meetings in coordination with the Council Office. The meeting agenda and minutes as well as the resolution of the issues raised at these quarterly meetings shall be submitted at the hearing for any Plan Approval application.
- (8) The applicant shall give preference for hiring employees to those who live within walking or bicycling distance or who take public transportation to work. The applicant shall create a Transportation Demand Management Plan, and an employee alternative transportation incentive program to encourage employees to walk, bike or take public transit to work. The applicant or the property owner will consult the local Council Office on the design of any bicycle racks to be installed.
- (9) No dancing or live entertainment shall be permitted. Low-volume background music is permitted. Any noise, music, or other sound of any kind emanating from the premises, including patrons speaking, amplified music, television or video, and/or paging system, shall not be audible beyond the north property boundaries by persons in the adjoining residential areas.
- (10) The applicant shall install and maintain surveillance cameras in all public areas of the premises, and shall maintain the recordings for 30 days. The recordings shall be made available to police or law enforcement agencies upon request.
- (11) The Applicant shall adhere to the stormwater Best Management Practices for restaurant/food service use, as if this was a new restaurant/food service use. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- (12) Every building and structure, and the entire premises, shall at all times be maintained in a neat, attractive, safe, and sanitary condition and free from debris, rubbish, garbage, trash, or other similar material. The Applicant shall be responsible for maintaining the premises free of litter, including all areas adjacent to the premises over which the Applicant has control.
- (13) Any graffiti painted or marked upon the premises, fences, or on any areas adjacent to the premises over which the Applicant has control, shall be removed or painted over to match the original color within 24 hours of its occurrence, when such graffiti is visible from a public street or alley.
- (14) There shall be no advertising or signs of any kind or type visible from outside the premises, promoting or indicating the availability of any alcoholic beverages or branded alcohol. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. This condition is not meant to preclude an interior display of alcoholic beverages. On-site signs of any kind shall be limited to the maximum allowable under the Municipal Code. Temporary signs in the store windows and along the building walls are not permitted. All illegal signage must be removed.

- (15) Pool or billiard tables or coin operated electronic, video or mechanical amusement games, machines, or devices, or similar game activities or equipment, shall not be permitted on the premises.
- (16) No tobacco sales shall be allowed on the premises.
- (17) In addition to the business name or entity, the name of at least one individual applicant shall appear on the alcohol license and all related permits.
- (18) At any time should there be a change in the ownership and/or the operator of the business, the new owner or operator shall be required to file a Plan Approval application and associated fees pursuant to Section 19.01-1 of the Los Angeles Municipal Code at the Planning Department Public Counter. The Plan Approval application shall be submitted to the Planning Department within 30 days of the date of legal acquisition by the new owner or operator. A public hearing shall be conducted with notification by the Applicant of all owners and occupants of property within a 600-foot radius. The purpose of the plan approval will be to review and establish conditions deemed applicable to the mode and character of the use as maintained and 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.
- (19) In the event of a change in the ownership of the property and/or of the operator of the Applicant's business, the property owner and/or the business operator shall provide the prospective new property owner/business operator with a copy of this Determination prior to the close of escrow for the acquisition of the property and/or the business, and satisfactory evidence that a copy of this Determination was so provided shall be submitted to the Director of Planning.
- (20) Within six months of the opening of the restaurant, all management and employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers (STAR)". Upon completion of such training, the Applicant shall request the Police Department to issue a letter identifying which management and 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. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all staff.
- (21) The Applicant shall train staff to provide Designated Driver resources, when appropriate, for restaurant patrons, such as taxicabs, referral services (e.g., www.designateddriver.com).
- (22) Notwithstanding any other provisions of the Code or permitted time extensions, the authorization granted herein for the sale and dispensing of alcoholic beverages is for a period of five (5) years from the effective date of this Determination. Thereafter, this authorization shall become null and void, and a new conditional use application shall be required. The Applicant is advised that he/she should file the new conditional use application well in advance of the date of expiration to allow sufficient time for processing.

- (23) Within 30 days from the effective date of this Determination, evidence of compliance with these conditions shall be submitted to the satisfaction of the Zoning Administrator, including but not limited to a copy of the TDM plan and the employee alternative transportation incentive program.
- (24) Within 30 days of the effective date of this action, the property owner and the business owner shall each record in the County Recorder's Office a covenant acknowledging and agreeing to comply with all of the terms and conditions established herein. The agreement (standard master covenant and agreement Form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
- (25) The management and all employees shall be knowledgeable of these conditions and shall be thoroughly trained with respect to their responsibilities in implementing these conditions. A copy of these conditions shall be provided to and reviewed by all management and employees, and all management and employees shall sign a document acknowledging receipt of these conditions and acknowledging that they will be disciplined for violating these conditions, including termination of employment.
- (26) 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.
- (27) The Applicant shall post a laminated copy of the conditions of approval, in a conspicuous place on the premises where the public can see them.
- (28) The use and development of the property shall be in substantial conformance with the floor plan and/or plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
- (29) No further additions or structural alterations shall be made to the subject building unless necessary to comply with an order issued by a governmental agency in the interests of health, safety, or welfare.