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ASSOCIATE ZONING ADMINISTRATORS

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<http://planning.lacity.org>

December 23, 2020

Jordan Weiss (A)
Button Mash, LLC
2658 Griffith Park Boulevard
Los Angeles, CA 90039

Sunlas Building, LLC (O)
Attn: Antranik Sinanian
18980 Ventura Boulevard, #200
Tarzana, CA 91356

Judy Lee (R)
La Tierra Consulting, LLC
555 West 5th Street, 35th floor
Los Angeles, CA 90013

CASE NO. ZA 2014-1511(CUB)(CU)(PA1)
CONDITIONAL USE
1371-1397 West Sunset Boulevard and
1320 West Lilac Terrace
Silver Lake – Echo Park – Elysian
Valley Planning Area
Zone : C2-1VL and R4-2
D.M. : 138A211
C.D. : 1 - Cedillo
CEQA : ENV-2020-512-CE
Legal Description: Lots 1, 2, 4, 5 and
Portion of Lots 3 and 7, Block 29,
Angeleno Heights Tract

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301, I hereby DETERMINE:

based on the whole of the administrative record, that the project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301 and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies, and

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

a Plan Approval to allow the continued sale and dispensing of beer and wine for on-site consumption in conjunction to an existing restaurant in the C2-1VL and R4-2 Zones;

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. **MODIFIED.** The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. **MODIFIED.** A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued. at any time during the term of this grant.
6. **MODIFIED. Indemnification.** ~~The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.~~

INDEMNIFICATION AND REIMBURSTMENT OF LITIGATION COSTS

Applicant shall do 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, 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 judgements 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 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 the 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 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 this 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.

7. **MODIFIED.** ~~Authorized~~ ~~Approved~~ herein is the sale and dispensing of beer and wine for on-site consumption in conjunction with a 779 square-foot expansion to an existing 3,896 square-foot new restaurant with arcade, for a total of 4,675 square feet subject to the following restrictions. The grant shall be subject to the following limitations:
- a. Maximum interior floor area shall not exceed ~~3,896~~ 4,675 square feet.
 - b. Seating shall be limited to ~~90-106~~ indoor seats. No outdoor seating is permitted.
 - c. Hours of operation shall be limited from 10:00 a.m. to 12:00 a.m. midnight, Sunday through Thursday, and 10:00 a.m. to 2:00 a.m., Friday and Saturday.
 - d. A maximum of 51 arcade games shall be maintained on the premises.
 - e. The arcade games shall be accessory use for patrons dining in the restaurant only and shall not be utilized by non-restaurant patrons.
 - f. No minors shall be allowed on the premises before 2:30 p.m. and after 9:00 p.m. without a legal guardian.
 - g. Only tokens, which shall be purchased in the monitored game area, shall be utilized for arcade games. No coin operated games shall be permitted.
 - h. The restaurant shall be permitted to operate a new take-out window within a new 251 square-foot designated take-out area.
8. The restaurant shall incorporate sound mitigation measures to ensure that any noise from the arcade games are not audible beyond the site.
9. **DELETED.** ~~The authorization granted herein for the on-site sale of beer and wine is for a period of five (5) years from the effective date of this grant. Thereafter, a new authorization to allow the on-site sale of beer and wine will be required. The applicant is advised that he/she should allow appropriate time for a new entitlement application to be processed and the application should be approved prior to the expiration date of this grant in order to continue the sale of beer and wine for on-site consumption.~~
10. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
11. Within 30 days of the effective date of the Department of Alcoholic Beverage Control license, and within 30 days of the effective date of any modification or alteration of terms of said license, the applicant shall transmit a copy of the valid Department of Alcoholic Beverage Control license to the Zoning Administrator for attachment to the case file.

12. The premises shall be maintained as a bona fide restaurant with a kitchen and shall provide a menu containing an assortment of food normally offered in such restaurants. Food service shall be available at all times during authorized operating hours.
13. A minimum of one State licensed security guard shall be maintained on the premises between the 8 p.m. and one half hour after closing time.
14. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Amplified recorded-music shall not be audible beyond the area under control of the applicant, and any sound or noise emitted that is under the control of the petitioner shall constitute a violation of Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.
15. The conditions of this grant, a police permit, a copy of a business license, insurance information and an emergency contact phone number for the operator and valet service(s), if any, 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. The manager and all employees shall be knowledgeable of these Conditions.
16. **MODIFIED.** ~~Within six months of the effective date of this action, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator who acted on this case as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all new staff. All employees who serve alcoholic beverages shall attend follow-up STAR classes every 24 months. The STAR training shall be conducted for all new hires within 2 months of their employment~~ **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completing of such training, the applicant shall request the Police Department of Department of Alcohol and Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS

training shall be conducted for all new hires within three months of their employment.

17. 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.
18. The applicant shall not permit any loitering on the premises or on property adjacent to the premises.
19. The applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalk in front of the restaurant.
20. The applicant/restaurant operator shall identify a contact person and provide a 24-hour "hot line" telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
 - posted at the entry, and the cashier or customer service desk,
 - provided to the immediate neighbors, schools and the Neighborhood Council,
 - responded to within 24-hours of any complaints/inquiries received on this hot line, and
 - the applicant shall document and maintain a log of complaints received, the date and time received and the disposition of the response. The log shall be made available for review by the Los Angeles Police Department and the Zoning Administrator upon request.
21. The applicant shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
22. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
23. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times other than to permit temporary access for delivery of supplies and trash removal. These doors shall be solid.
24. Trash/recycling pick-up and emptying or disposing of trash/recycling into outside containers is permitted to occur only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 10 a.m. to 4 p.m., Saturdays and Sundays.

- a. Trash/recycling containers shall be locked when not in use.
 - b. Trash/recycling containers shall not be placed in or block access to required parking.
25. Vendor deliveries shall be permitted only between the hours of 8:00 a.m. and 7:00 p.m., daily.
 26. Petitioner(s) shall install and maintain security cameras and a two-week DVR that covers all common areas of the business, high-risk areas, entrances and exits. The DVRs shall be made available to the Los Angeles Police Department upon request.
 27. No pay phone may be maintained on the interior or exterior of the premises.

The premises shall not be used for private parties where the general public is excluded.
 28. **MODIFIED.** ~~No after hour use of the establishment is permitted, including but not limited to private events or promotional events, excluding any activities which are issued film permits by the City.~~ The restaurant may hold up to 24 private events subject to required permits being obtained and adherence to the conditions provided.
 29. Petitioner(s) shall not require an admission or cover charge.
 30. No pool or billiard table shall be maintained on the premises.
 31. There shall be no live entertainment of any type, including but not limited to, live music, disc jockey, karaoke, topless dancing, nude dancing or male dancers, pursuant to LAMC 12.70.
 32. There shall be no adult entertainment of any type pursuant to Section 12.70 of the Los Angeles Municipal Code (LAMC).
 33. There shall be no dancing permitted on the premises at any time.
 34. The exterior windows and glass doors of the restaurant shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by police and private security.
 35. Advice. The applicant is advised that the subject permit is a land use permit, not a license for the sale of alcohol. The conditions and requirements of the permit apply to the subject facility. The conditions shall be complied with in addition to any conditions or requirements imposed by the Department of Alcoholic Beverage

Control, Los Angeles Police Department, or any other licensing or permit agency. Noncompliance with the subject conditions could result in revocation of the subject use permit. Any change in conditions or change in the mode or character of the authorized use requires approval of the Zoning Administrator.

36. ~~**DELETED.** Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the 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.~~
37. **NEW.** 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.
38. **NEW.** A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 60 days and are intended for use by the Los Angeles Police Department.
39. **NEW. Complaint log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
- a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

ADMINISTRATIVE CONDITIONS

40. **NEW.** Within 60 days of the effective date of this grant, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position

and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit. The statement shall read as follows,

*We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of beer and wine for on-site consumption, in conjunction with the restaurant know as **Button Mash**, and agree to abide and comply with said conditions.*

A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building or the State Department of Alcoholic Beverage Control.

41. **NEW. MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, 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.
 - a. Within 12 to 18 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess the compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed may result in additional corrective conditions imposed by the Zoning Administrator.
42. Should there be a change in ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or business. Evidence that a copy of this determination including the conditions required herewith had been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along any proposed modifications to the existing floor plan, seating arrangement or number of seats of the new operation.
43. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has

changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the new 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.

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 a said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

The 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 **JANUARY 07, 2021**, 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:

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
1828 Sawtelle Blvd. 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 Zoning Administrator who acted on the case. 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, and the statements made at the public hearing on July 27, 2020, 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 plan

approval under the provisions of Section 12.24-M have been established by the following facts:

BACKGROUND

The applicant is requesting a Plan Approval to allow the continued sale and dispensing of beer and wine for on-site consumption in conjunction with a 779 square-foot expansion to an existing 3,896 square-foot restaurant with 16 additional seats to the existing 90 indoor seats, and a new take-out window. Hours of operation will be from 10:00 a.m. to 12:00 a.m., Sunday through Thursday and 10:00 a.m. to 2:00 a.m., Friday and Saturday.

The existing restaurant with penny arcade is located within an established Mini-Shopping Center "Sunset Market Plaza" consisting of five (5) parcels totaling approximately 22,420 square feet. There are seven (7) different establishments the shopping center including; Melinda's Hair and Nails, Sick City Records, Domino's Pizza, Sunset Pet and Supplies, Sunset Watch Clock and Jewelry Repair, and a State Farm. The shopping center is located along Sunset Boulevard to the south and Lilac Place to the north.

The subject property is zoned C2-1VL and is located within the boundaries of the Silver Lake-Echo Park-Elysian Valley Community Plan Area. The Community Plan designates the subject property for General Commercial land uses which has corresponding zones of C1.5, C2, CR, C4, and RAS3. The project site is zoned C2-1VL, and thus is consistent with the existing land use designation. The subject property is located within the East Los Angeles State Enterprise Zone and is a Transit Priority Area in the City of Los Angeles.

On September 16, 2014, the Zoning Administrator approved a Conditional Use Permit, for the subject restaurant, "Button Mash", to allow the sales and dispensing of beer and wine only for on-site consumption, along with 51 arcade games, and a deviation from Commercial Corner requirements for hours of operation from 10:00 a.m. to 2:00 a.m. daily, in lieu of the permitted hours of operation from 7:00 a.m. to 11:00 p.m.

The subject property currently holds a Type #41 (On-site Beer and Wine) license from the Department of Alcoholic Beverage Control (ABC). The ABC website does not show any history or active case for disciplinary action. The subject grant would allow the continued sale and dispensing of beer and wine for on-site consumption, a 779 square-foot addition, and 16 new patron seats.

Properties to the north are zoned C2-1VL and RD1.5-1VL with land use designations of General Commercial and Low Medium II Residential. They are improved with one- and two-story residential buildings. Properties to the east are zoned C2-1VL and R4-2 with land use designations General Commercial and Medium Residential and developed with three-story multi-family housing structures. Properties to the south are zoned C2-1VL with a land use designation of General Commercial and improved with one-story commercial uses and two-story multi-family structures and a Super 8 Hotel. Properties to the west are zoned C2-1VL and RD2-1VL-HPOZ with land use designations General Commercial and

Medium Residential and developed with a one-story restaurant The Park and multi-story multi-family residential housing structures.

STREETS

Sunset Boulevard is a Major Highway Class II dedicated to a variable width of 100+ feet at the project's street frontage and improved with curbs, sidewalks, and gutters.

Lilac Terrace is a Local Street dedicated to a width of 82.5 feet at the project's street frontage and improved with a center median, curbs, sidewalks, and gutters.

Previous Cases, Affidavits, Permits, and Orders on the Applicants Property:

Case No. ZA-2014-1511-CUB-CU – On September 16, 2014, the Zoning Administrator approved on-site sale of beer and wine in conjunction with a change of use from retail to a 3,896 square-foot restaurant and accessory penny arcade.

Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties (since 2010):

Case No. ZA-2018-1317-CUB-ZV: On October 10, 2018 the Zoning Administrator approved with conditions the expansion of an existing restaurant/bar and the continued sale of a full line of alcoholic beverages located at 3809 South Grand View Boulevard.

Case No. ZA-2016-3148-CUB: On February 27, 2017, the Zoning Administrator approved with conditions the continued sale of beer and wine for on-site consumption and the sale of beer for off-site consumption in conjunction with an existing restaurant/market located at 12210 West Venice Boulevard.

Case No. ZA-2016-1004-CUB: On May 23, 2016, the Zoning Administrator approved with conditions the sale and dispensing of a full line of alcoholic beverages for on-site consumption with a proposed 2,965 square-foot restaurant/piano bar and outdoor 175 square-foot patio located at 12249-12255 West Venice Boulevard

Case No. ZA-2015-1646-CUB-ZV: On September 8, 2015, the Zoning Administrator approved with conditions the sale of a full line of alcoholic beverages for on-site consumption and zone variance for off-site parking in conjunction with a 1,956 square-foot restaurant with takeout service located at 3809 South Grand View Boulevard.

Case No. ZA-2014-1977-CU: On September 26, 2014, the Zoning Administrator approved with conditions the operation of a new Starbucks restaurant with hours of operation exceeding the CCR hour limitation, from 5:00 a.m. to 12:00 p.m., daily located at 12404 West Boulevard.

Case No. ZA-2013-2275-CUB: On October 17, 2013, the Zoning Administrator approved with conditions the sale of beer and wine for on-site consumption in conjunction with an existing 1,890 square-foot restaurant located at 12470 West Venice Boulevard.

Case No. ZA-2011-451-CUB-ZV: On July 14, 2011, the Zoning Administrator approved with conditions the sale of a full line of alcoholic beverages for on-site consumption, and change in hours of operation from 11:00 a.m. to 12:00 a.m. to 10:00 a.m. to 2:00 a.m., daily, and to extend the grant life of the existing conditional use permit, and zone variance to provide 0 parking spaces located at 3817 South Grand View Boulevard.

Case No. ZA-2010-3163-CUB: On March 18, 2011, the Zoning Administrator approved with conditions the sale of beer and wine for on and off-site consumption in conjunction with an existing market seeking change of use for portion of the market to interior and exterior dining, open daily 6:00 a.m. to 2:00 a.m. located at 3807 South Grand View Boulevard.

Case No. ZA-2009-3132-CUB-CU: On June 16, 2010, the Zoning Administrator partially approved the sale of beer and wine for off-site consumption in conjunction of a 3,357 square-foot 7-Eleven convenience store with 24 hour operation and alcohol sales from 6:00 a.m. to 2:00 a.m., daily located at 3807 South Grand View Boulevard

PUBLIC CORRESPONDENCE

No public correspondence was received.

PUBLIC HEARING

The public hearing was held on August 19, 2020 at approximately 10:30 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the hearing was conducted entirely telephonically. The hearing was attended by Judy Lee.

Ms. Lee made the following statements:

- The applicant is requesting a plan approval to a conditional use to continue the sale and dispensing of beer and wine for on-site consumption in conjunction with an expansion to an existing 3,896 s.f. restaurant.
- There will be 16 additional seats to the existing 90 seats and a new take out window.
- There will be no change to the hours of operation.
- There are changes to the prior grant that are being made. Conditions 9 and 28, which would eliminate the term condition and allow for 24 private events.
- There would be no live entertainment.
- The restaurant is within an existing shopping center that has two buildings with multiple tenants.
- There is on-site parking accessed from Sunset.

- Council Office expressed their support in an email correspondence.
- Jordan Weiss stated there is a walk-up window and if this works, we plan to keep that plan.

There were no speakers.

At the conclusion of the public hearing, the Zoning Administrator approved the request with the requested changes to the term limit condition and allowed 24 special events.

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.

AUTHORITY FOR PLAN APPROVAL

Section 12.24-M of the Los Angeles Municipal Code provides in pertinent part:

“M. Development of Uses. (Amended by Ord. No. 173,992, Eff. 7/6/01)

1. Development of Site: On any lot or portion of a lot on which a deemed-approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to an approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time ...”.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use plan approval 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 sale of a full line of alcoholic beverages for on-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.

CONDITIONAL USE 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 proposed project is for a Plan Approval to allow the continued sale and dispensing of beer and wine for on-site consumption in conjunction with a 779 square-foot expansion to an existing 3,896 square-foot restaurant with sixteen (16) additional seats to the existing 90 indoor seats, a new take-out window. The project is proposing to add sixteen (16) new indoor seats and changing their hours of operation from 10:00 a.m. to 2:00 a.m. daily to Monday through Thursday 10:00 a.m. to 12:00 a.m. and Friday to Saturday from 10:00 a.m. to 2:00 a.m.

On September 16, 2014 the Zoning Administrator approved a Conditional Use permit to allow the sale and dispensing of beer and wine only for on-site consumption and a deviation from Commercial Corner requirements for hours of operation from 10:00 a.m. to 2:00 a.m., daily in lieu of the permitted hours of operation from 7:00 a.m. to 11:00 p.m. The approved conditional use permit also allowed a total of 90 indoor seats and a penny arcade containing 51 arcade games within the restaurant.

The subject site currently holds a Type 41 alcohol license (License No. 554234) from the Department of Alcoholic Beverage Control (ABC). The ABC website does not show any record or active case for disciplinary action on the subject property. The subject grant would authorize the continuation for the sale and dispensing of beer and wine for on-site consumption in conjunction with a 779 square-foot restaurant addition and 16 new indoor patron seats.

Button Mash restaurant with arcade offers a beneficial dining experience and penny arcade service in which residents can enjoy. The Plan Approval will allow Button Mash to continue to offer a beneficial service to the surrounding and regional community by offering its patrons beer and wine beverages. The hours of

operation from 10:00 a.m. to 12:00 a.m. Monday through Sunday and 10:00 a.m. to 2:00 a.m. Friday to Saturday are reasonable and will allow for the restaurant to provide viable dining options and a fun family environment later into the evening to the morning.

The subject property is located within walking distance to medium residential housing and is also accessible by transit, as there is a transit stop allocated on the same street as the subject property. The Mini-Shopping Center in which the property is located contains a total of twenty-two (22) parking spaces and eight (8) bicycle spaces which is sufficient for the restaurant as it will operate during the closing hours of the other retail businesses within the shopping center. The continuation, with strict adherence to the imposed conditions and under proper management and supervision, will continue to enhance the environment of the surrounding neighborhood and provide a benefit to the community.

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 subject property is an irregular-shaped, corner parcel of land composed of seven (7) lots with frontages along Sunset Boulevard and Lilac Terrace. The restaurant, "Button Mash", is located within a Mini Shopping Center that is comprised of two (2) buildings, Building A and Building B as per "Exhibit A". The subject property is 3,896 square feet and is located in Building A. The property shares a total of twenty-two (22) parking spaces and eight (8) bicycle spaces with the businesses in the shopping center. No exterior alterations to the existing building are proposed.

Properties to the north are zoned C2-1VL and RD1.5-1V with land use designations General Commercial and Low Medium II Residential and improved with one (1) and two (2)-story residential buildings. Properties to the east are zoned C2-1VL and R4-2 with land use designations General Commercial and Medium Residential and developed with 3-story multi-family housing structures. Properties to the south are zoned C2-1VL with a land use designation of General Commercial and improved with 1-story commercial uses and two (2)-story multi-family structures including a Super 8 Hotel. To the west, properties are zoned C2-1VL and RD2-1VL-HPOZ with land use designations General Commercial and Medium Residential and developed with a one (1)-story restaurant The Park and multiple story medium residential housing structures.

The sale and dispensing of beer and wine only and the provisions of retro arcade games on the premises as an accessory use to the proposed restaurant, which will provide a family-oriented environment for parents and children to enjoy while dining. The arcade games are for use by restaurant patrons only and will require tokens that can only be obtained at the restaurants cashier. This will ensure that

the restaurant staff can monitor and control use of the arcade games. The cost of the arcade games is nominal such that the main emphasis of the business is food service. Minor children will not be allowed on the premises without a legal guardian during school hours and in the evenings.

In the previously issued Conditional Use permit for Alcoholic Beverages the Zoning Administrator imposed conditions to the project that would ensure the sale of beer and wine and the maintenance of the arcade games on the premises to be conducted with due regard for surrounding uses. These previously issued conditions will carry over in this grant. Due to reported gang activity in the surrounding area these conditions include cameras for surveillance and minors are not permitted on the premises without a guardian during school hours and evenings. Conditions previously recommended by the Los Angeles Police Department will also carry over in this grant, which will safeguard adjacent properties while maintaining public health, welfare and safety. Furthermore, the grant allows the operator to have 24 private events. However, the special events will be subject to the conditions of this grant. Therefore, as conditioned, and based on the limited hours of operation, the limited scope and size of the restaurant and its mode and character, the project's location will continue to be compatible with and will not adversely affect or further degrade adjacent properties or the 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 elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use element of the City's General Plan divides the City into 35 Community Plans. The subject site is located within the Silver Lake-Echo Park-Elysian Park Community Plan with a land use designation General Commercial. The restaurant use and the sale and dispensing of beer and wine alcoholic beverages are consistent with this zone and land use designation.

The subject property is located in the C2-1VL zone with a land use designation of General Commercial within the Silver Lake-Echo Park-Elysian Valley Community Plan. The Silver Lake-Echo Park-Elysian Valley Community Plan text is silent in regard to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Plan. The Silver Lake-Echo Park-Elysian Valley community plan serves to address a number of issues and opportunities present in the area, and recognizes the importance of retaining a viable and vibrant commercial sector. The restaurant use is consistent with this zone and land use designation. Additionally,

the project is consistent with the following objectives and policies of the Community Plan:

Goal 2 An economically vital commercial sector and strong viable commercial areas that offer a diversity of goods and services to meet the needs of the community in the plan area. Commercial areas should satisfy market demand, maximize convenience and accessibility while preserving and enhancing the unique historic and cultural identities of the district.

Policy 2-2.3 The first floor street frontage for structures, including mixed-use projects and parking structures located in pedestrian-oriented areas, should incorporate commercial uses.

Policy 2-3.1 Proposed developments should be designed to enhance and be compatible with existing adjacent development.

The project will enable an existing and established restaurant to continue their services by providing the sale of beer and wine incidental to the purchase of a meal. Thus, the project furthers the function and identity of the commercial area of the Silver Lake-Echo Park-Elysian Valley Community Plan area and contributes to the preservation of the area as an existing commercial boulevard. The project maintains an existing and desirable commercial service within an existing area designated for such uses. The project follows an established pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding area, which is a walkable and accessible through public transit boulevard which includes a variety of commercial uses. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan.

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

The Conditional Use permit and Plan Approval to allow the sale of beer and wine for on-site consumption will not adversely affect the welfare of the community. The subject property is zoned C2-1VL, which allows for commercial uses. The subject site along Sunset Boulevard enhances the character of the area and provides a family friendly experience that is walking distance for the surrounding neighborhood and visitors in the area. The existing restaurant with penny arcade will continue to positively impact the financial health of the property and improve the economic vitality of the area via increased tax revenue.

Conditional authorization for the sale of beer and wine beverages for on-site consumption is allowed through the approval of the Zoning Administrator, subject

to certain findings. Given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by any of the proposed conditional uses. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Additionally, other conditions related to excessive noise, noise prevention, and litter will safeguard the residential community. Therefore, will the imposition of such conditions, the sale and dispensing of a full line of alcoholic beverages at this location will not 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 Department of Alcoholic Beverage Control (ABC) licensing criteria, there are a total of five (5) alcohol beverage licenses within the respective Census Tract No. 1977. There are two (2) licenses for off-sale beer and wine, (2) suspended Type 47 and Type 58 licenses for the same establishment, and the subject property which has a Type 41 alcohol license for on-site sale of beer and wine.

Within 1,000 feet from the subject site, there are a total of ten (10) alcoholic beverage establishments. These establishments include three (3) locations with licenses for off-site sales for beer and wine; four (4) locations with licenses for on-site consumption of beer and wine; and three (3) locations with licenses for on-site consumption for a full-line of alcoholic beverages.

According to statistics provided by the Los Angeles Police Department's Central Los Angeles Division Unit, within the Crime Reporting District 101, which has jurisdiction over the subject property, a total of 159 crimes were reported in 2019 which has jurisdiction over the subject property, a total of 140 crimes were reported in 2019 including, 123 for Part I and 36 for Part II crimes, compared to the Citywide Average of 170 and compared to the High Crimes average of 204 crimes for the same reporting period.

Alcohol-related Part II crimes reported include Narcotic Drug Laws (1), Liquor Laws (2), Drunkenness (5), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), and Driving Under the Influence (6). Out of 159 total crimes reported for the respective Reporting District, six (6) arrests were made for driving under the influence.

The project will not adversely affect public welfare because the restaurant is a desirable use in an area designated for commercial uses. The higher crime rate in this area resided in the Part I crimes which are not alcohol-related crimes. In this case, the project will provide a unique amenity to workers, visitors, and residents. The project will also enhance the physical environment and, as conditioned, will not negatively impact the area. As a restaurant operation with incidental sales of beer and wine, the project alone is unlikely to have a significant impact on local crime. The Zoning Administrator has also incorporated numerous operational conditions to the grant that address noise, safety, and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. Therefore, the granting of the request herein will not result in undue concentration.

- 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 project site is zoned for commercial uses and will continue to be a utilized as such with the restaurant use. The following sensitive uses are located within a 1,000-foot radius of the site:

Sensitive Uses

Yanshou Buddhist Temple	1301 Lilac Terrace
Lilac Terrace Park	1254 Lilac Terrace
Foundation for Early Childhood Education	1010 Douglas Street
Chinese Christian Chanto Church	1244 Innes Avenue
Victory Memorial Grove Park	835 Academy Road
Elysian Park	835 Academy Road
West LA Imago Dei Church	3840 Grand View Boulevard
Building Blocks Christian Academy	3734 South Centinela Boulevard
Gethsemane Lutheran Church	3737 South Centinela Boulevard

Alcohol Uses

Stadium Wine and Beer	1380 West Sunset Boulevard
Leo Market	1394 West Sunset Boulevard
Park on Sunset	1400 West Sunset Boulevard
El Compadre Rest'n	1449 West Sunset Boulevard
Tsubaki Japanese Rest'n	1356 Allison Avenue
Ototo Sake Bar	1360 Allison Avenue
Colima Mini Market	1288 West Sunset Boulevard
The Short Stop	1455 West Sunset Boulevard
Little Joy Cocktail Lounge	1477 West Sunset Boulevard
Trencher Sandwich Shop	1305 Portia Street

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which would protect the health, safety, and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore, as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

- 7. The National Flood Insurance Program rate maps, which are 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 a 500-year Flood Zone.

Inquiries requiring this matter shall be directed to Stephanie Escobar, Planning Staff for the Department of City Planning at (213) 978-1492.

HENRY CHU
Associate Zoning Administrator

HC:SE:bk

cc: Councilmember Gilbert Cedillo
First District
Adjoining Property Owners