

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
ZA-2016-1630-CUB-1A	ENV-2016-1631-CE	8 – Harris-Dawson
PROJECT ADDRESS:		
2595 South Hoover Street, Suite B		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Paras Bhakta, Hoover Adams Holdings, LLC	n/a	n/a
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Ellia Thompson, Ervin Cohen and Jessup	n/a	n/a
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Stacy Antler, Century Glen Homeowners' Association	310-849-2904	stacy.antler@sbcglobal.net
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
James R. Childs, NUPCA	213-747-2526	Jeanjim2341@att.net
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Henry Chu, Associate Zoning Administrator	n/a	n/a
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
ENV-2016-1631-CE		

FINAL ENTITLEMENTS NOT ADVANCING:

n/a

ITEMS APPEALED:

CEQA appeal - CE

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☐ Letter of Determination
- ☐ Findings of Fact
- ☐ Staff Recommendation Report
- ☐ Conditions of Approval
- ☐ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☐ Mailing List
- ☐ Land Use
- ☐ Other _____

- ☐
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- ☐
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- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other _____

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):**FISCAL IMPACT STATEMENT:**☐ Yes☐ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☐ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
May 21, 2019	3-0
LAST DAY TO APPEAL:	APPEALED:
n/a	June 24, 2019
TRANSMITTED BY:	TRANSMITTAL DATE:
Irene Gonzalez Commission Office	July 18, 2019

APPEAL APPLICATION

1. APPELLANT BODY/CASE INFORMATION

Type of Appeal:

☐ Appeal by Applicant/Owner

☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved

☐ Appeal from a determination made by the Department of Building and Safety

3. REPRESENTATIVE/AGENT INFORMATION

Telephone: _____ E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☒ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: June 22, 2019

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>89</u>	Reviewed & Accepted by (DSC Planner): <u>Sarahi Ortega</u>	Date: <u>6/24/19</u>
Receipt No: <u>010-405-7364</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

NORTH UNIVERSITY PARK COMMUNITY ASSOCIATION (NUPCA)

MASTER APPEAL FORM CONTINUATION:

ENV-2016-1631-CE

CASE NO. ZA-2016-1630 (CUB)

2595 SOUTH HOOVER ST, Suite B, / CD-8 MARQUEECE HARRIS-DAWSON / SOUTH, L. A. PLANNING AREA

On behalf of the North University Park Community Association (N.U.P.C.A.) who are aggrieved parties, we do object to and appeal the South Area Planning Commission Letter of Determination ("Letter") decision of June 14, 2019 which *"determined, based on the whole record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 5, and Category 35."*

To affirm the use of a categorical exemption (CE) is to arbitrarily dismiss the substantial testimony in the record of the indifference displayed by this granting and ignoring the sensitive uses surrounding the subject site.

The "Letter" completely ignores the existence of substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to CEQA Guidelines 15300.2. The SAPC failed to consider the substantial factual record before them but rather decided that the convenience of the student residents' access to beer and wine was tantamount. This makes no sense in terms of the record.

We ask that City Council void and rescind the CEQA clearance and that an MND process be started.

The proposed Categorical Exemption (CE) for the 2595 South Hoover CUB is not legally sufficient to meet the requirements of CEQA in protection of our environment. Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of CEQA, states a categorical exemption should not be used where the activity would cause a substantial adverse change. The testimony of many stakeholders demonstrates this would cause an adverse change.

Furthermore, Section 15300.2 (c), explains: Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment.

CEQA sets a very low threshold for not permitting a Categorical Exemption, namely that it should not be used where there is a reasonable possibility of the activity having a significant effect. The appeal by NUPCA meets this bar for the following reasons.

The adopted (CE) is not sustainable in the light of the whole record as it fails to:

1. Understand and recognize that this is a unique community of sensitive uses surrounding the subject site
2. Assess impacts. A CE is not supposed to be used when there is a possibility of impacts as testimony clearly demonstrates
3. Provide the facts to assist a decision maker in understanding the significant impacts.
4. Provide mitigations to the impacts of the proliferation of alcohol outlets, the complication of traffic access and egress on Adams Boulevard and adequate parking for a restaurant use
5. The project creates cumulatively considerable impacts; a Categorical Exemption is not permitted in cases of cumulative impacts.

The expressed overriding concerns of City Hall regarding alcohol distribution in South-Central, calls for a transparent and public process with restrictive requirements and a limited issuance of

conditional-use permits. This policy was in response to the decades old indifference to the social problems caused directly by the overwhelming proliferation of liquor-stores that infested the community. That the sheer numbers of liquor-stores undermined the social fabric of the South Los Angeles neighborhoods is without question.

A CE cannot achieve a transparent and public process. Indeed the number of conditions the AZA attached to this granting should have been a warning sign that there are environmental impacts to the community. The very attempt to condition this granting illustrates that there are potential impacts which need greater scrutiny than a CE would allow.

The AZA writes *"The grant has been well conditioned, which will protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior, criminal activity and underage drinking have been considered and addressed by prohibiting off-site sales, requiring exterior lighting, requiring age verification and requiring proactive security measures."*

The residents of South Central have fought long and hard to rescue their community by opposing this social deterioration, store-by-store, case-by-case and hearing-by-hearing, year-after-year. Their struggles and achievement record speaks for itself.

2595 South Hoover is primarily a student residence wherein rentals have been known to be advertised by bed. There is no earthly reason that the inhabitants of "The Element" with their penthouses, pool and barbecue pits and Wi-Fi should have alcohol available downstairs from their dorm-like room rentals and penthouses. Their ads for rentals note the easy close availability of BacaroLA and Nature's Brew, where one can go for beer or wine. There is already easy access to drinks either north on Union or South to the University Village complex three block to the south. There is no reason at all to allow the proliferation of alcohol outlets by allowing it at this student residence. There is already an over proliferation of establishments providing alcoholic beverages as the AZA acknowledges.

Andrea Canty, (then) President of the Empowerment Congress North Area Neighborhood Development (NANDC) on behalf of the Council wrote on June 20, 2016 in opposition to the granting, specifying these particular issues:

Nuisance and interference with the enjoyment of life for Ward Villa and the childcare centers: If this building will be used for student housing from the neighboring universities and with alcohol consumption, students will be a nuisance to the adjacent Ward Villa Senior Citizen Complex. We have received many complaints over the years at various off campus housing complexes where there was excessively loud music, loud talking, parties extending throughout all hours of the night, an impediment of parking, and physical altercations that require police assistance.

Increased risk of drunken drivers in the midst of the Hoover Recreation Child Care Center that operates Monday through Friday and has some special programs on weekends. There is also another childcare center on the south side of the street where families may be tragically impacted.

Increased request for Conditional Use Permits for the sale of beer, wine and alcohol within a one mile radius. The Board and stakeholders in this community do not want this community to become inundated with establishments offering beer, wine and alcohol especially when we have been working diligently to discontinue liquor license in this area.

Categorical exemptions, however, are subject to important exceptions based on factors such as location, cumulative impact, or unusual circumstances. Cal. Code Regs. tit. 14, § 15300.2. A CE should not have been granted due to the unusual circumstances of the surrounding sensitive uses.

An agency should decide whether a project is eligible for a categorical exemption as part of its preliminary review of the project without reference to or reliance upon any proposed mitigation measures. *Salmon Protection & Watershed Network v. County of Marin*, (2004) 125 Cal. App. 4th 1098, 1108.

The SAPC ignored the overwhelming and unique importance of the specific location of this Project with respect to its' social-cultural context and the potential negative impacts any liquor sales would have on immediate vulnerable neighbors: The children, teenagers and young adults that utilize the Hoover Recreational Center Park, the elderly residents of the Ward Villa Residents, the preschoolers and nuns at the Sisters of the Company of Mary, the homeless single parent Veterans with children at the Casa de Rosas, and the followers and students at the Art of Living Foundation.

These are the people, the neighbors, who, along with the surrounding community, have objected to the proposed liquor sales application. They have written letters, attended public hearing and solicited the assistance of their elected public officials. They have made their voices clear this Project does not belong at this location and that such granting has serious impacts.

Admittedly the AZA in his report has dutifully noted all the comment letters received and the oral testimony given. He has also dutifully noted the existence and proximity of the institutional and community uses of the neighboring buildings. Unfortunately he has failed to comprehend how all these entities function in the real world. He has failed to acknowledge the gravitas of these special uses and the impacts that an adjacent liquor sales could have

The AZA in his decision displays a significant deaf ear to the unique circumstances when he writes: *"In addition, being located near two major thoroughfares, the restaurant offers a viable commercial use that contributes to the vibrancy of the area. The restaurant offers a convenience of serving beer and wine, which is generally expected by residents living in urban areas, and residents of mixed-use projects expect such amenities without the inconvenience of driving elsewhere"*.

The AZA's conclusions are especially troubling since he had the opportunity of reviewing two separate public hearings on the Project proposal over a year-and-a-half period. The applicant's original request to the ZA was far more grandiose: a full line of liquor, more than double the floor space at 3,691 square feet with 97 indoor seats, and 333 square foot outdoor with 20 seats, and live entertainment. This audacious request was met with immediate resistance by the community.

The following selected comments are from the first public hearing, June 21, 2016 as reported by the AZA in his Determination:

Jacquelyn Dupont-Walker; *"I am here on behalf of myself and on behalf of the Ward EDC. There are 120 families in the Ward Villas next door that will be directly impacted by the noise and loitering resulting from this project. This will directly impose upon the seniors living nearby and will impact their quality of life such as interrupting their night time sleeping"*

Sister Mary Gomez representing Sisters of the Company of Mary: *"I represent the pre-school across the street. This use is too close to our school and I am totally against it. I am concerned for the safety of my students and their families. This environment will cause distress. Drinking will occur in front of these families and the hours are far reaching."*

Ronald Cargill representing the WARD EDC stated; *"The required findings for the conditional use cannot be made. This is the wrong location and an incompatible use, there are sensitive receptors*

nearby including: senior citizens, school children across the street, low income housing nearby and a park across that street that will directly be impacted by this project. This project will further degrade the community because the noise impacts will impose upon people sleeping. This project is under parked because it is within an Empowerment Zone and this will result in a negative impact, as there is insufficient parking in the area. The Categorical Exception that was issued is inappropriate because there are sensitive receptors nearby”.

Lynell Washington representing Council District-8, the Office of Councilmember Harris-Dawson presented the following: *“We support a restaurant without alcohol services at this time”.*

A second public hearing was held on October 24, 2018 for the applicant’s “modified” Project for dispensing on-site beer and wine, with 32-seats on 1,550 square feet. The adjacent stakeholders and the community spoke-up again opposing the Project for many of the same reasons.

Jean Frost of the Empowerment Congress North Area Neighborhood Development Council spoke of the project: *“not fitting the neighborhood due to the sensitive uses near the site and for this reason they cannot support the application... The site is within the Neighborhood Stabilization Ordinance... The project is under- parked, and there is concern of over consumption of alcohol”.*

Jacquelyn Dupont Walker, expressed opposition to the request and spoke: *“of an opportunity to build the community and a desire to maintain affordable housing.”* She expressed concerns of: *“quality of life issues and the site affecting the sensitive uses around the area, including the daycare, park, 37 homeless single parents”... She stated: “the owner already knew about the issues of alcohol in the community... This is not an appropriate addition to the restaurant and the area is not underserved”.*

James Haywood Jr. of the Ward Villa Senior Complex, former owner of a beer and wine establishment in Crenshaw, stated: *“this would have a negative effect on children. There is a park in the northeast corner and a senior complex near the site. The parking lot will not accommodate the use, and the area has more Dulls”.*

Lynell Washington, Planning Director for Council Office 8, spoke of a public hearing with the NANDC on October 4, where many were in attendance: *“The dialogue was going on for a long time, and the NANDC voted to reject the conditional use request. Council Office supports the NANDC’s vote because there are sensitive uses, comments expressing concerns, a public park, and homeless shelter”.*

In the over two years that this Case was on the desk of the AZA it had received many letters and taken much public testimony opposing the applicant’s various requests for on- site liquor sales. That the opposition was not limited to just the scale of the requests but went to the heart of the issue of their very concept: placing a negative usage in the center of long standing beneficial institutions serving the University Park community. The impact seems to have been lost by the AZA. The AZA has embraced the applicant’s willingness to voluntarily reduce the scale of the onsite alcohol sales as opportunity to have the City reward them for their collaboration with his approval. His bias is discernable within a review of his required Findings.

In the previously quoted the AZA Finding 1. The AZA offers supportive language for the Projects purported beneficial qualities. He finds: *“The Project offers a viable dining option to the area...The restaurant offers sliders, chicken wings and strips...allows the patrons to purchase beer or wine to compliment their meal...contributes to the vibrancy of the area...a convenience to beer and wine expected by residents living in urban areas...residents of mixed-use projects expect such amenities without the inconvenience of driving elsewhere...”*

In Finding 3. the AZA claims; *"The proposed use of the subject site is consistent with, and aids to advance the following objectives and policies identified in the South Los Angeles Community Plan...Policy 2-4.3: Ensure that commercial infill projects achieve harmony with the rest of existing development."*

"The Associate Zoning Administrator recognizes that the number of off-site locations exceeds the number allocated for the census tract. Over concentration can be undue when the addition of a license will negatively impact a community. Overconcentration is not undue when the approval of a license will benefit the public welfare and convenience."

In response, the AZA requires the readers to find as he did that the applicant's Project would actually "benefit the public welfare and convenience". There is no sustainable position based on the facts to find that the "public welfare" benefits by the sale of beer at a hamburger stand.

In Finding 6. The AZA actually takes a bow for his efforts of supporting the applicant's modification efforts: *"The grant has been well conditioned, which will protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior, criminal activity and underage drinking have been considered and addressed by prohibiting off-site sales, requiring exterior lighting, requiring age verification and requiring proactive security measures."*

The AZA has indeed compiled a lengthy list of requirements for the applicant to complete in order to be granted a Conditional Use for alcoholic sales. However it is a list that I frankly believe should be universally applied to any and all CU applications for liquor sales. Perhaps most of them already are standard requirements. In any event these conditions cannot and do not provide for mitigations that sufficiently mitigate the intrusive use of alcohol sales at this subject site. In the light of the whole record, a CE is not an adequate environmental instrument to insure compliance with CEQA.

James Childs, Vice President
North University Park Community Association
2326 Scarff Street, University Park, LA CA 90007
213-747-2526 / jeanjim2341@att.net



SOUTH LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **JUN 14 2019**

Case No. ZA-2016-1630-CUB-1A
CEQA: ENV-2016-1631-CE
Plan Area: South Los Angeles

Council District: 8 – Harris-Dawson

Project Site: 2595 South Hoover Street, Suite B

Applicant: Paras Bhakta, Hoover Adams Holdings, LLC
Representative: Ellia Thompson, Ervin Cohen and Jessup

Appellant: Jim Childs, North University Park Community Association (NUPCA)

At its meeting of **May 21, 2019**, the South Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

A Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,550 square-foot restaurant with 32 indoor seats and proposed hours of operation from 7:00 a.m. to 11:00 p.m., daily.

1. **Determined** based on the whole record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 5, Category 34, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Zoning Administrator's determination to approve, pursuant to Section 12.24-W, 1 of the Los Angeles Municipal Code, a Conditional Use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a restaurant;
3. **Adopted** the attached Conditions of Approval; and
4. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Orozco
Seconded: Willis
Ayes: Stern
Absent: Bates, Anderson

Vote: 3 – 0

Etta Armstrong, Commission Executive Assistant I
South Los Angeles Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date: The decision of the Central Los Angeles Area Planning Commission is final upon the mailing date of this letter, and it is not further appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.** The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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.

Attachment: Zoning Administrator Letter dated March 14, 2019

c: Henry Chu, Associate Zoning Administrator

ESTINEH MAILIAN
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
THEODORE L. IRVING
ALETA D. JAMES
FRANKLIN N. QUON
CHARLES J. RAUSCH JR.
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

March 14, 2019

Paras Bhakta (A)
Hoover – Adams Holdings, LLC
2905 South Vermont Avenue
Los Angeles, CA 90007

Hoover – Adams Holdings, LLC (O)
2905 South Vermont Avenue
Los Angeles, CA 90007

Kate Bartolo (R)
Kate Bartolo & Associates, Inc.
645 West 9th Street
Los Angeles, CA 90015

CASE NO. ZA 2016-1630(CUB)
CONDITIONAL USE
2595 South Hoover Street Suite B
South Los Angeles Planning Area
Zone : C4-1VL-O/QC1.5-1VL-O
C.D. : 8
D.M. : 123A201
CEQA: ENV-2016-1631-CE
Legal Description: FR Lot 1; Tract 33175

Pursuant to CEQA Guidelines Section 15061, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 1, Class 5, Category 34, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

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

a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a restaurant,

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan 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 Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
5. 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.
6. Authorized herein is the sale and dispensing of beer and wine for on-site consumption in conjunction with a 1,550 square-foot restaurant. Subject to the following limitations:
 - a. The hours of operation shall be limited to 7 a.m. to 11 p.m., daily.
 - b. Indoor seating shall be limited to a maximum of 32 seats provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
 - c. There shall be no outdoor seating.
 - d. No after-hours use is permitted, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
7. The applicant shall file a Plan Approval application within one (1) year from the date of issuance of the ABC license. The operational date of this determination shall be identified and confirmed by the Planning Departments Conditional Compliance Unit (BEST). The Plan Approval Application should be subject to filing fees (and) shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24-D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the terms of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete or add new ones, including adding security to the convenience store operation, as appropriate and require a subsequent Plan Approval, as necessary, and reserves the right to conduct this public hearing for nuisance abatement / revocation purposes.
8. Should there be a change in the 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 the business. Evidence that a copy of this determination including the conditions required herewith has 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 with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.

9. 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 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.
10. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
11. **Prior to the utilization of this grant**, a camera surveillance system shall be installed to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days.
12. **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.
13. **Complaint Log.** Prior to the utilization of this grant, 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 hostess station

The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within twenty four hours.

14. **Within the first six months of utilizing the grant at this establishment, all employees involved with the sale of beer and wine 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 referencing Case No. ZA 2016-1630(CUB), from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.**
15. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
16. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
17. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
18. Parking shall be subject to the determination of the Department of Building and Safety. Any off-site parking shall be provided pursuant to the requirements of Los Angeles Municipal Code Sections 12.21-A,4(g) and 12.26-E, 1(b). No variance from the parking requirements has been granted herein.
19. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
20. A security plan for the hotel and any parking area serving the hotel shall be approved by the Los Angeles Police Department prior to the utilization of this grant. Security provisions prepared by a State Licensed security firm, shall be reviewed by the Police Department Vice Unit and their recommendations submitted in writing shall be incorporated into the security plan for on- and off-site security. A copy of the approved security plan shall be submitted to the Department of City Planning.
21. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.

22. **Prior to the utilization of this grant**, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
23. There shall be no night club activity/after hours use of the restaurant.
24. The premises shall not be leased or rented to outside promoters or to any third parties for private parties or special events.
25. The operator shall maintain a proactive, ongoing communication with the LAPD area community policing and vice squad officers and the Figueroa Corridor Business Improvement District and with USC Safety Department on any safety concerns, and keep a record of the date of the meeting and/or communication and who was in attendance or who were part of such communication. (Applicant Volunteered)
26. Applicant shall maintain a handheld noise monitor and regularly conduct noise tests on the premises to monitor compliance with the City Noise Ordinance. (Applicant Volunteered)
27. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
28. **Prior to the utilization of this grant**, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards notifying patrons of the program. The signs/cards shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus.
29. There shall be no private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public.
30. **Prior to the utilization of this grant**, the applicant shall submit the restaurant's menu to document that the premises shall be maintained as a bona fide restaurant with a kitchen to be used for cooking and preparing of food. Food service shall be available at all times during operating hours.

31. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-I (Miscellaneous Plan Approval), the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
32. There shall be no live entertainment or amplified microphones on the premises. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows. Any background music or other recorded ambient music shall not be audible beyond the area under the control of the applicant.
33. Any future operator or owner for this site must file a new Plan Approval Application to allow the City of Los Angeles to review the "mode and character" of the usage.
34. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
35. No conditional use for dancing has been requested or approved herein. Dancing is prohibited. There shall be no dance floor arrangement permitted in the subject premises. Patron dancing is not permitted nor shall the Petitioner(s) accommodate or endorse dancing features in any fashion.
36. The business operator shall comply with Section 6404.5(b) of the Labor Code which prohibits smoking within any place of employment. There shall be no ashtrays or other receptacles used for the purpose of collecting ash or cigarette/cigar butts inside the restaurant, bathrooms or patio.
37. Sales of alcoholic beverages for off-site consumption is prohibited.

38. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C 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. 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 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. 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.
39. **Prior to the utilization 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 Department of City Planning. The statement shall state,

We, the undersigned, have read and understood the conditions of approval to allow the sale and dispensing of a beer and wine for on-site consumption, in conjunction with the restaurant, known as Burgerim, 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 and Safety or the State Department of Alcoholic Beverage Control.

40. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) 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 (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **MARCH 29, 2019**, 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:

Downtown
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service
Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
West Los Angeles Development
Services Center
1828 Sawtelle Boulevard, 2nd Floor
Los Angeles, CA 90025
(310) 231-2901

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 subsequent contact regarding this determination must be with the staff assigned to this 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 hearings on June 21, 2016 and on October 24, 2018, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use approval under the provisions of Section 12.24-W 1, have been established by the following facts:

BACKGROUND

The project site consists of an irregular shaped lot, approximately 41,562 square feet, located on the northwest corner of Hoover Street and Adams Boulevard. The subject property has a 248-foot frontage along Hoover Street and a 214-foot frontage along Adams Boulevard. The southern portion of the site is zoned C4-1VL-O and the northern portion of the site is zoned QC1.5-1VL-O and has a General Commercial land use designation. The subject property is a new four-story 58,348 square-foot mixed-use building that is currently under construction. The vision for the property includes retail uses on the ground floor and dwelling units on the upper floors.

The project site is characterized by surrounding residential, recreational, religious, and commercial uses. Adjacent properties located north and west of the subject property are senior residential units zoned C2-1VI-O and RD1.5-1-O. Properties south of the site across Adams Boulevard are residential, religious, and educational uses zoned R4-1L-O. The property located east of the project site across Hoover Street is the Hoover Recreational Center and a park zoned OS-1XL-O-HPOZ.

The project is within the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay, which regulates construction, addition, or reconfiguration of any one-family dwelling or multiple-family dwelling units into a single dwelling unit with five or more rooms. The property is also located in the Los Angeles State Enterprise Zone (ZI-2374), a Transit Priority Area (ZI-2452), the Fast Food Establishments Area (ZI-2412), the North University Park - Exposition Park - West Adams Overlay, and the South Los Angeles Alcohol Sales Specific Plan area, that standardize the procedures for obtaining a conditional use permit for the sale of alcoholic beverages for off-site consumption in the South Central area of the City of Los Angeles. The proposed restaurant is deemed exempt from the South Los Angeles Alcohol Sales Specific Plan per the community referral form signed by the appropriate Planner and dated March 21, 2016, because no off-site sales of alcohol will be conducted.

The project site was previously a shopping center with dental, commercial, and office units. On May 6, 2015, the Department of Building and Safety issued Demolition Permits Nos.: 14019-10000-04072, 14019-10000-04073, and 14019-10000-04074 for the demolition by dozer of the previously existing buildings. The project site has subsequently improved with a new four-story mixed-use building known as “Element” operated by Stuhlo student housing properties and is not considered a project under the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay as determined by the project planner on January 26, 2015. This determination is based on information provided by the Department of Building and Safety which stated that within the development each unit has four habitable rooms. The subject property includes amenities such as a pool, terrace lounge, fitness center, and a basement level parking garage.

The applicant’s original request was for a conditional use permit for a full line of alcoholic beverages in conjunction with a proposed 3,691 square foot restaurant. The proposed hours of operation are from 7:00 a.m. to 11:00 p.m. daily with 97 indoor seats and a proposed 333 square-foot outdoor patio with 20 outdoor seats. After further discussion, the request was subsequently amended to a request for the sale and dispensing of beer and wine for on-site consumption. Additionally, the total project size was modified to decrease the square footage of the original request. The subject restaurant is 1,550 square feet with 32 indoor seats.

A site visit was conducted by the project planner on June 16, 2016 at approximately 4:00 p.m. There was light pedestrian traffic along the sidewalks with heavy traffic along the intersection of Adams Boulevard and Hoover Street.

Hoover Street is designated as a Boulevard II with 2-way traffic, and is improved with paved roadways, sidewalk, gutter, and curb.

Adams Boulevard is designated as a Collector street with two-way traffic and is improved with paved roadways, sidewalk, curb, and gutter.

Previous relevant cases, affidavits and orders on the subject property:

Building Permit No. 13010-10000-04326 – On May 6, 2015, a building permit was issued by the Department of Building and Safety for a new four-story mixed use building apartment, office, and retail shell with a one level basement parking garage.

Building Permit No. 13020-10000-03211 – On May 6, 2015, a building permit was issued by the Department of Building and Safety for the temporary shoring for a four-story apartment with one level basement parking.

Building Permit No. 14030-10000-07925 – On May 6, 2015, a building permit was issued by the Department of Building and Safety for the grading for the temporary shoring and basement excavation for the proposed building under permit #13020-10000-03211 (remove and re-compact = 1936 C.Y.)

Cases on Surrounding Properties:

Case No. ZA 2015-2214(CUB)(CU)(CCMP) – On June 10, 2015, an application was filed requesting a Conditional Use Pursuant to LAMC 12.24-W,27 for a 1,620 square-foot single story addition to an existing fuel station convenience store with 24 hour operation; with less than 50% transparency, with 2 ½ ft. landscape buffer along the western property line as all deviations from what is required by 12.22-A,23. A Conditional Use Permit Pursuant to Section 12.24-W,1 for on-site consumption of alcohol in conjunction with a change of use from automotive repair to restaurant with 58 seats and operating hours of 7:00 a.m. to 11:00 p.m. Also, pursuant to LAMC 12.20.3-L the applicant request a Certificate of Compatibility for said addition, conversion of existing automotive bay doors to retail storefronts, and re-facing of an existing pole sign in the North University Park HPOZ, located at 2211 S Hoover Street.

Case No. ZA 2013-3057(CUB) – On April 18, 2014, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for off-site consumption and on-site consumption in conjunction with a restaurant located in the C2-1L-O-HPOZ Zone; and a Conditional Use to permit deviations from Commercial Corner Development provisions to allow the operation of the restaurant from 11:00 a.m. to 11:00 p.m. Sunday-Wednesday and from 11:00 a.m. to midnight Thursday- Saturday, in lieu of the maximum of 7:00 a.m. to 11:00 p.m., otherwise permitted in the C2-1L-O-HPOZ Zone, located at 2314 South Union Avenue.

Case No. ZA 2012-3567(CUB) – On December 26, 2012, an application was filed requesting a Conditional Use to permit the on-site sale of beer and wine in conjunction with a newly proposed 1,951 square foot restaurant with 48 seats with hours of operation from 11:00 a.m. to 12:00 a.m. Sunday through Thursday and 11:00 a.m. to 1:30 a.m. Friday and Saturday. On April 30, 2013, the Zoning Administrator acknowledge a letter dated April 8, 2013 requesting withdrawal of the application. Subsequently, Case No. ZA 2012-3567(CUB) was withdrawn/terminated from further consideration and ordered filed, located at 2323 South Hoover Street.

Case No. ZA-2010-935(CUB) – On February 23, 2011, the Zoning Administrator approved a conditional use permit to allow the sale and dispensing for consideration of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant, located 2212-2214 South Union Avenue.

PUBLIC CORRESPONDENCE

- A signed letter dated October 18, 2018, was received from Thryeris Mason, President of the Empowerment Congress North Area Neighborhood Development Council stating their opposition to the request.
- Email received on October 14, 2016, from Kate Bartolo, Representative, amending the original request from a full line of alcoholic beverages to beer and wine.
- Email received on June 20, 2016, from Jean Frost, Area Representative, Empowerment Congress North Area Neighborhood Development Council, opposing the project.
- Letter received August 16, 2016, from Kate Bartolo, Representative, requesting an extension on keeping the case file open.
- Letter dated September 12, 2016, from Michelle Povinelli supporting the project.
- Letter dated September 10, 2016, from Heather Ferguson, in support of the project.
- Letter dated September 10, 2016, from Eric Orvieto, supporting the request.
- Letter dated September 10, 2016, from Liaya Stepanyan, supporting the project.
- Letter dated September 10, 2016, from Lugi Manna, supporting the applicant's request.
- Letter dated September 10, 2016, from Lizzy Hare in support of the project.
- Letter dated September 10, 2016, from Steven Schleier supporting the applicant's request.
- Letter dated September 10, 2016, from Kimberly Luz, supporting the project.
- Letter dated September 10, 2016, from Marwan Korbin in support of the project.
- Letter dated September 10, 2016, from Jovan Herron supporting the project.
- Letter dated September 10, 2016, from Diane Breuer-Manna in support of the project.
- Letter dated September 10, 2016, from Pete King in support of the project.
- Letter dated September 10, 2016, from Amy M. Carnes in support of the project.
- Letter dated September 10, 2016, from Virginia Kuhn supporting the request.
- Letter dated September 10, 2016, from Jason Robison in support of the project.
- Letter dated September 10, 2016, from Christine Kusk in support of the project.
- Letter dated September 10, 2016, from Andrea Ricks supporting the request.
- Letter dated September 10, 2016, from Rachana Mukeree in support of the project.
- Letter dated September 10, 2016, from Yanira Estrada in support of the project.
- Letter dated September 10, 2016, from Rita Bertrand in support of the project.
- Letter dated September 10, 2016, from Maricruz Montano in support of the project.
- Letter dated September 10, 2016, from Ismael Montano in support of the project.
- Letter dated September 8, 2016, from Janice Robinson in support of the project.
- Letter dated September 8, 2016, from Jim Robinson in support of the project.
- Letter dated September 6, 2016, from Leonard G. Schulze in support of the project.
- Letter dated September 6, 2016, from Steve Hafran, supporting the applicant's request.
- Letter dated September 6, 2016, from Gillian Bayer supporting the request.
- Letter dated September 6, 2016, from Mathias Lenz in support of the request.
- Letter dated September 6, 2016, from Jeannie Arnold in support of the project.
- Letter dated September 6, 2016, from Sarah Bottjer opposing the project.
- Letter dated September 6, 2016, from Nathan Arnold supporting the project.
- Letter dated July 15, 2016, from Daniel and Ingrid Bueno, opposing the project.

- Letter dated June 20, 2016 from Andrea Canty, President, Empowerment Congress North Area Neighborhood Development Council, opposing the applicant's request.
- Letter dated June 19, 2016, from Jacquelyn Dupont-Walker, President, Ward Economic Development Corporation (WEDC), opposing the applicant's request.
- Letter dated June 16, 2016, from Cesar and Eris Barillas, opposing the project.
- Letter dated June 15, 2016, from Rafael and Martha Jurado, in opposition of the project.
- Letter dated June 15, 2016, from Belen Rojas, opposing the project.
- Letter dated June 13, 2016, from Sister Leticia Salazar, President, Order of the Company of Mary Our Lady, opposing the project.
- Letter from Brad Porter, President and Representative, West Adams Neighborhood Association, supporting the project.
- Letter from Yessenia Chavez, opposing the project.
- Petition dated June 15, 2016 signed by 118 residents/neighbors opposing the project.
- Letter from Empowerment Congress North Area Neighborhood Development Council dated June 20, 2016, expressing opposition to the project.
- Letter from Leonard G. Schulze, Ph. D., dated September 6, 2016, expressing support.
- Letter from Janice Robinson, dated September 8, 2016, expressing support.
- Letter from North Area Neighborhood Development Council, dated October 18, 2018, stating opposition to the project.
- Letter from Miguel Medina, owner of La Raquiza Mexican Grill, expressing support for the project.
- Letter from Jay Li of Hooli Homes, dated October 22, 2018, expressed support for the project.

PUBLIC HEARING

The public hearing was held on Tuesday, June 21, 2016 at approximately 9:30 a.m. at City Hall located at 200 N. Spring Street, Room 1070. Kate Bartolo, of Kate Bartolo & Associates was present representing the applicant. Approximately 30 people were in the hearing room at the time of the hearing.

The purpose of the hearing was to obtain public testimony from affected and/ or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing.

Kate Bartolo speaking on behalf of the applicant, presented the following:

- I was under the impression that we would not hold a public hearing today and I am not prepared as I normally would.
- This request has been updated for a sit down restaurant for beer and wine service only.
- We did not engage the community as we normally would, due to anticipated circumstances out of my control that required me to take care of a sick family member; therefore we request that this case be taken under advisement so that we can engage the community to properly inform them about the project

Jacquelyn Dupont-Walker representing herself presented the following:

- I am here on behalf of myself and on behalf of the Ward EDC.
- I've presented a petition from area residents against the project.
- The developer of the project has not communicated with the neighborhood.
- There is already a high volume of restaurants in the area and residents are happy with what is there.
- There are 120 families in the Ward Villas next door that will be directly impacted by the noise and loitering resulting from this project.
- This will directly impose upon the seniors living nearby and will impact their quality of life such as interrupting their night time sleeping.
- There is a community park across the street and this is not an appropriate use.

Sister Mary Gomez representing Sisters of the Company of Mary spoke against the proposal and presented the following:

- I represent the pre-school across the street.
- I am concerned for the safety of my students and their families.
- Drinking will occur in front of these families and the hours are far reaching.
- This environment will cause distress.
- This use is too close to our school and I am totally against it.

Carol Pinchback representing the Ward Villa Residents spoke against the proposal and presented the following:

- This project will create noise nearby where I live.
- I will not be able to enjoy the walking path that I currently use for exercise because the people there will impose upon me.
- This will result in more drunk drivers in our community.
- This will impact parking even further.
- I am against alcohol being sold here.

James Wilkes spoke against the proposal presented the following:

- There is ongoing construction here.
- This project will increase traffic.
- This project will result in an increase in drunk drivers and an increase in hit and runs. Drivers need their full judgement.
- This represents a disturbance in our community.
- I am against this project.

Ronald Cargill representing the WARD EDC spoke against the proposal and stated the following:

- This is the wrong location and an incompatible use, there are sensitive receptors nearby including: senior citizens, school children across the street, low income housing nearby and a park across that street that will directly be impacted by this project.
- The Categorical Exception that was issued is inappropriate because there are sensitive receptors nearby.
- The required findings for the conditional use cannot be made.
- This project will further degrade the community because the noise impacts will impose upon people sleeping.

- This project is under parked because it is within an Empowerment Zone and this will result in a negative impact as there is insufficient parking in this area.

Belen Rojas spoke against the proposal presented the following:

- This community is being taken over by USC students.
- This project has an outside patio that will result in noise and impact the senior citizen housing next door.
- The sidewalk does not have enough space for this, or a wheelchair and is very close to the Metro stop.
- No outreach was done regarding this project and we want a town hall meeting to discuss this.

Lynell Washington representing Council District Eight, the Office of Councilmember Harris-Dawson presented the following:

- The owner is not present to address most of these issues.
- The community did not have an opportunity to participate in this process and we are not supportive.
- We support a restaurant without alcohol services at this time.

Kate Bartolo, on behalf of the applicant responded with the following:

- We request that this case be held under advisement so that we have the opportunity to engage the community and be very clear on what this project entails and to address any community concerns.
- We have requested the sale of only beer and wine at a sit down restaurant only up until 11 pm and that is completely appropriate here.

Hearing Officer stated for the record that the case would be held under advisement until June 28 so that the applicant had the opportunity to address the upcoming Neighborhood Council Policy and Land Use agenda. After that date, the applicant requested that the case continue to be held under advisement so that they could continue to work with the community to address their concerns.

The applicant submitted revised plans on December 21, 2017, showing no outdoor dining.

The public hearing was held on Wednesday, October 24, 2018 at City Hall located at 200 N. Spring Street, Room 1020. Ellia Thompson of Ervin Cohen & Jessup LLP was present representing the applicant. Approximately 14 people were in the hearing room at the time of the hearing.

Ms. Thompson made the following statements:

- The applicant is requesting a conditional use for the sale of beer and wine for on-site consumption at a 1,550 square-foot restaurant.
- The restaurant will be a sitdown casual restaurant called Burgerim.
- There are 46 residential units above, and 2,500-3,000 square feet of restaurant space. 1,500 sq ft is for a coffee/juice bar and the other 1,500 sf is for this restaurant.
- In regards to over saturation in the community, for this census tract, there is only one other establishment that is between one-quarter to one-half mile away.
- There is no over saturation. This will be only the second establishment that will have

an on-site license.

- The area is underserved of restaurants. There will be benefits, including a night time presence, lighting, active pedestrians, more interaction and less crime.
- In terms of the physical qualities, there are no other entitlements requested and no deviations from the Code. The restaurant is allowed in the zone.
- The South Los Angeles Alcohol Specific Plan is not applicable for this project. This ordinance relates to sales for off-site consumption.
- The site is close to USC. USC Village has similar type restaurants.
- This will be an amenity for the neighborhood. People who live near the area don't have to drive to get to this restaurant.
- Regarding sensitive uses, the site is surrounded by multiple family dwellings. The restaurant has triple pane glass, and there will be no noise impacts.
- The property owner reached out to the community. There were nine public hearings to build support.
- There are letters of support from WANA, Ms. Robinson (neighboring property owner), neighboring restaurants, Hooley Homes, and local residents.
- There was a request to significantly reduce size of the operation, and so 1) the outdoor patio was removed, 2) request was modified from full line of alcohol to beer and wine, 3) last service would be at 10:30 p.m., and eliminated large standing room area of floor plan so it would not be a bar or a nightclub.

The applicant and his team also spoke:

The applicant, Paras Bahkta, stated he owns and operates 600 units in Los Angeles. This project has had extensive outreach. He also added the project would bring strong vibrancy to this City block.

The property manager, Christina Jung, stated they use best property management practices, and work to prevent problems. There is patrolling of the property from 6 p.m. to 4 a.m., Monday through Friday, and 11 p.m. to 4 a.m., Saturday and Sunday. Their management company works closely with USC's Department of Public Safety (DPS), and DPS also patrols the area. They work with the surrounding neighborhood and provide a prompt response.

Chirag Choudary, an assistant manager on the property, stated he works to ensure that there are quiet hours at the property that residents demand.

Yubi and Andre N., a representative and operator and co-owner of Burgerim, stated they have experience in food service, they hire local, and provide jobs for the area. They also stated opposition for the project is because Ms. Walker has problems with the property owner.

Eight people spoke during the public testimony portion of the public hearing.

Jean Frost of the Empowerment Congress North Area Neighborhood Development Council, spoke of the project not fitting the neighborhood due to the sensitive uses near the site and for this reason they cannot support the application. The site is within the Neighborhood Stabilization Ordinance. The project is underparked, and there is concern of overconsumption of alcohol.

Miguel Medina, owner of La Taquiza Mexican Grill, stated businesses are trying to survive and need beer and wine to compete with other businesses, especially with USC Village closeby. Operating costs are high and they have lost community customers. Customers want more than food, and the sales of beer and wine are needed to offset high operating costs.

Sister Sharon Maria, representing Divine Providence Kindergarten and Daycare at 2620 Monmouth, adjacent to the subject building, stated the school has closed since June 2015, and they are looking for a new tenant. Would loike to open a head start program or Montessori where toddlers to Pre-K would be cared for. There would be about 122 children and children would be present at the school from 7 a.m. to 6 p.m. She stated she has no problems with security, but asked would it be appealing to families who go this this school.

James Haywood Jr. of the Ward Villa Senior Complex, former owner of a beer and wine establishment in Crenshaw, stated this would have a negative effect on children. There is a park in the northeast corner and a senior complect near the site. The parking lot will not accommodate the use, and the area has more DUIs.

Mary Robinson Scott, expressed concern of the site's location to sensitive uses. There are homeless and youths, families and vets in the area. People can buy alcohol for the homeless.

Jaqueline Dupont Walker, expressed opposition to the request and spoke of an opportunity to build the community and a desire to maintain affordable housing. She expressed concerns of quality of life uisssues and the site affecting the sensitive uses around the area, including the daycare, park, 37 homeless single parents, . She spoke of this development being developed as multi-family housing, but is is for student housing. She stated the owner already knew about the issues of alcohol in the community. This is not an appropriate addition to the restaurant and the area is not underserved. LAPD will not repond to calls in the area. Students who live in the units above may not be of drinking age. There is a petition of opposition.

Roland G. of GFO Companies spoke of the impact of USC Village to other businesses has caused business to be down 25 percent. Not many new businesses will open in the area. Beer and wine sales for the restaurant is needed to compete.

Lynell Washington, Planning Director for Council Office 8, spoke of a public hearing with the NANDC on October 4, where many were in attendance. The dialogue was going on for a long time, and the NANDC voted to reject the conditional use request. Council Office supports the NANDC's vote because there are sensitive uses, comments expressing concerns, a public park, homeless shelter. Consensus building is needed and there needs to be more discussion.

Ms. Ellia Thompson responded to the comments by stating the restaurant will be open in the next six weeks. The use of census tract is not misleading, but is the law. Reviewing the 1,000-foot radius maps shows there are only three on-sale licenses. The neighborhood council did vote four against, but there were four abstentions. The hours of operation will be

from 11 a.m. to 11 p.m., daily, and last call will be at 10:30 a.m. In response to the multi-family housing above, this is not a student housing project. Anyone can rent out these units. For sensitive uses comments, page three of her submitted letter, stated the CUP does not affect sensitive uses. There is no policy based on proximity to sensitive uses. Also, sensitive uses are not defined in the Code. Sensitive uses can be considered and additional conditions may be added.

At the conclusion of the public hearing, the Associate Zoning Administrator took the case under advisement to review the application and the sensitive uses in the area.

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.

The following conditions are submitted for consideration:

- Sales, services and consumption of alcoholic beverages at the restaurant shall be from 11:00 a.m. to 10:30 p.m. daily.
- There shall be no sale or service of alcoholic beverages without a meal order.
- There shall be no "Happy Hour" during which time beverages are sold at discounted prices.
- No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverages from any customer while in the premises.
- There shall be no minimum drink required of patrons.
- There shall be no sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating.
- The quarterly gross sale of alcoholic beverages shall not exceed the gross sales of food during the same period. The Petitioner(s) shall at all times maintain records which reflect separately 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 the police department upon demand.
- There shall be no exterior advertising of any kind of type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages, except that the restaurant may post a menu.
- Sales and delivery of alcoholic beverages to consumers shall be made from behind

a counter where an employee will obtain the product. No self-service of alcoholic beverages by patrons will be permitted. A waitress or waiter shall conduct all alcoholic beverage service.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for the sale of beer and wine 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.

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 subject property is an irregular-shaped lot located at the northwestern corner of Adams Boulevard and Hoover Street. The southern portion of the site is zoned C4-1VL-O and the northern portion of the site is zoned QC1.5-1VL-O and has a General Commercial land use designation. The property is a four-story mixed use building comprised of upper floor student housing units and ground floor office and commercial space. The subject restaurant is situated on the ground floor of the building and totals 1,550 square feet, providing 32 indoor seats and no outdoor seats.

The project offers a viable dining option to area. The restaurant use is a neighborhood serving that allows for patrons to purchase beer or wine to complement their meal. The restaurant offers sliders, chicken wings and strips, and includes salads. The restaurant currently operates from 11 a.m. to 10 p.m., and the application includes a request for hours of operation of 7 a.m. to 11 p.m., daily.

The sale of beer and wine for on-site consumption will be incidental to the sale of food. As stated previously, the restaurant will be a neighborhood-serving use and offer a convenience to those who live within the building, and those who live and work in the surrounding area. In addition, being located near two major thoroughfares, the restaurant offers a viable commercial use that contributes to the vibrancy of the area. The restaurant offers a convenience of serving beer and wine, which is generally expected by residents living in urban areas, and residents of mixed-use projects expect such amenities without the inconvenience of driving elsewhere. The existing operations indicate the the applicant is operating this as a bona fide restaurant with a kitchen that is be used for cooking and preparing of food. Moreover, food service is required to be available at all times during operating hours.

Therefore, the granting of the conditional use allows the subject restaurant to provide a viable dining option and allows for it to be competitive with other dining options in the area. It will allow patrons to have the option to choose a restaurant that offers beer and wine to complement their meal, and will be convenient 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 property is zoned C4-1VL-O and QC1.5-1VL-O with a General Commercial land use designation. The project is located within the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay, the Los Angeles State Enterprise Zone, the South Los Angeles Alcohol Sales Specific Plan area, and the Transit Priority Area. The surrounding properties are residential, recreational, religious, and commercial uses. Properties located north and west adjacent to the subject property are senior residential units zoned C2-1VL-O and RD1.5-1-O. Properties south of the site across Adams Boulevard are residential, religious, and educational uses zoned R4-1L-O. The property located east of the project site is the Hoover Recreational Center and a park zoned OS-1XL-O-HPOZ.

The location of the site is along two major streets, Hoover Street and Adams Boulevard. The restaurant is located on the ground floor of a mixed use building, and is with other neighborhood serving uses on the ground floor. The location of the site connected with other major thoroughfares which are connected by convenient public transportation and the regional freeway system.

The project's location, size, height, operations and other features will be compatible with surrounding uses and will not adversely affect or further degrade adjacent properties. The restaurant is currently operating, and has operating hours of 11 a.m. to 10 p.m., daily. The restaurant space totals 1,550 square feet and is located on the ground floor of an existing mixed use building, where there is another commercial tenant space on the ground floor. The restaurant has 32 indoor seats and no outdoor seats.

The project was modified from the time the application was filed. According to the applicant, such changes occurred because of concerns from community stakeholders and surrounding uses. Such changes include a reduction in the size of the tenant space and not the entire ground floor space, removal of the proposed outdoor patio, changing the request from a full line of alcohol sales for on-site consumption to sales of beer and wine for on-site consumption, and ceasing beer and wine sales by 10:30 p.m., daily.

The project will provide additional visibility and will be beneficial to the riders waiting at the Metro stops within close proximity to the restaurant. The operation is a restaurant and not a bar, nightclub or liquor store. The restaurant will not have any outdoor seating, and will be subject to the conditions of this grant. Such conditions address the potential for litter, graffiti, loitering and smoking, while other conditions ensure the mode and character remain a restaurant and not change into anything like

a nightclub or bar. The project is restricted from any adult entertainment or public dancing, and appropriate training will be required for all employees dispensing alcohol as part of LAPD's STAR program. While the applicant requested live entertainment, the Associate Zoning Administrator conditioned the grant to prohibit any live entertainment to ensure the the mode and character would remain a bona fide restaurant. To ensure that the use is compatible to the surrounding neighborhood, entertainment is limited to ambience background music to complement the dining experience, and will be limited to low volume such that it is not audible beyond the premises. Independent, professional or amateur disc jockeys are not allowed and dancing is prohibited.

A camera surveillance system, contact information so that the community can inform the operator of concerns, and electronic age verification devices at all points of sale will all be required for this operation. The applicant is required to provide adequately installed lighting that will render all objects and persons clearly visible within the establishment. These operating conditions in conjunction with the Monitoring, Verification and Inspection Program (MViP) will allow the City the opportunity to continue to monitor and verify compliance of the imposed conditions. Therefore as conditioned, the sale and dispensing of beer and wine will not adversely affect or further degrade the adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety of the community.

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. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC. The subject site is located in the South Los Angeles Community Plan, the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay, which regulates construction, addition, or reconfiguration of any one-family dwelling or multiple-family dwelling units into a single dwelling unit with five or more rooms, and is within a Los Angeles State Enterprise Zone, the South Los Angeles Alcohol Sales Specific Plan area, and the Transit Priority Area.

The South Los Angeles Community Plan Map designates the property for General Commercial land uses with corresponding zones of C1.5, C2, C4, RAS3, and RAS4 and is developed with primarily residential, religious, and educational uses. The land use designation and surrounding zoning permits for a variety of commercial and residential uses including the proposed restaurant. The subject project is for a conditional use to allow beer and wine for on-site consumption, and is not subject to the regulations of the North University Park – Exposition Park – West Adams Neighborhood Stabilization Overlay since it does not involve dwelling units.

The South Los Angeles Community Plan text is silent in regards to alcohol sales however, the South Los Angeles Alcohol Sales Specific Plan addresses the sale of

alcohol for off-site consumption. In this instance, the provisions of the South Los Angeles Alcohol Sales Specific Plan are not applicable to the request because the request does not include the sale of alcoholic beverages for off-site consumption. Additionally, the conditional authorization for the sale of alcoholic beverages for on-site consumption, is allowed through approval by the Zoning Administrator, subject to certain findings. A key element of the purpose of the South Los Angeles Community Plan is to promote improving the function, design, and economic vitality of the commercial corridors of the community. The proposed use of the subject site is consistent with, and aids to advance the following objectives and policies identified in the South Los Angeles Community Plan.

Objective: 2-1: To conserve and strengthen viable commercial development.

Policy 2-1.3: Commercial areas should be consolidated and deepened to stimulate existing businesses, create opportunities for new development and off-street parking, expand the variety of goods and services, and improve shopping convenience as well as offer local employment.

Objective 2-3: To attract uses which strengthen the economic base and expand market opportunities for existing and new businesses.

Policy 2-4.3: Ensure that commercial infill projects achieve harmony with the rest of existing development.

Objective 2-6: To maintain and increase the commercial employment base for community residents whenever possible.

The proposed sale and dispensing of beer and wine for on-site consumption would serve residents, visitors, and employees in the area and allow them to have a viable dining option in the area where beer and wine would accompany a meal, thus enhancing the dining experience. Bringing in viable dining option to the area would help strengthen commercial activity in the area and contribute to the economic development and competitiveness of the community. The applicant has not requested any off-site sales and will be subject to conditions of approval of this determination. The State's Alcoholic Beverage Control will impose additional conditions to ensure alcohol is sold in a responsible manner. The project adheres to the intent, purpose, and provisions of the South Los Angeles Community Plan and advances the objectives and intent of the plan by offering a service that will be compatible, convenient, neighborhood serving and beneficial to visitors and residents of the community, and improve the economic and physical condition of the surrounding area.

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

The proposed use will not adversely affect the welfare of the surrounding community. The sale and dispensing of beer and wine for on-site consumption will allow the applicant to provide beer and wine as a complement to a meal and will only be for

on-site consumption. The subject operation currently operates as a restaurant and not a bar, liquor store or night club. The restaurant's location on the ground floor will provide increased security and lighting at ground level. There are no outdoor dining areas, no live entertainment, and no public dancing. The restaurant currently operates from 11 a.m. to 10 p.m., daily, and has requested hours of operation from 7:00 a.m. to 11:00 p.m., daily. The hours will ensure the quiet enjoyment of occupants of the surrounding community as well as those on the upper floors.

The restaurant is located within a mixed-use development with Code-required off-street parking, ensuring that its patrons and operations are separated from the surrounding neighborhood. Because of the restaurant's full-service kitchen, limited bar area, and limited alcohol storage areas, the ancillary sale of beer and wine will be a small percentage of the total sales.

The subject property is designated for General Commercial land uses and will continue to be utilized as such with the restaurant. The approval of the request for the sale and dispensing of beer and wine as an incidental service to the restaurant will not adversely affect the welfare the community. As stated in Finding No. 2, the applicant responded to the concerns of community stakeholders and modied the project to reduce the size of the tenant space and not lease out the entire ground floor space, remove the proposed outdoor patio, change the request from a full line of alcohol sales for on-site consumption to sales of beer and wine for on-site consumption, and cease beer and wine sales by 10:30 p.m., daily.

The grant prohibits coin operated game machines and pool tables, and dancing is also prohibited. The absence of these specific activities and the conditions imposed will reinforce the primary use of a restaurant and monitor the consumption of beer and wine on-site, and ensure the mode and character of the operatio will be a bona fide restaurant. The project will include the installation of security cameras as well as be required to provide a telephone number and email address to allow for the reporting of any incidents. In addition, the grant includes a condition that will ensure the operation does not exceed the City's noise regulations. Furthermore, a requirement to include a complaint log documenting all complaints and requiring the applicant to respond within 24 hours of the complaint has been included as part of this determination. To address concerns of potential noise and ensure the mode and character of the operation remains a bona fide restaurant, the applicant is prohibited from having any form of live entertainment as part of this operation.

The grant imposes other conditions that require security measures such as adequate installed lighting that will render all objects and persons clearly visible within the establishment. Additionally, the grant requires the applicant to install an age verification device at all points of sale, to deter underage purchases and drinking. Employees are also required to participate in training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. This grant is generally conditioned to reflect the mode and operation stated in the application which is compatible with the welfare of the pertinent community. Finally, a requirement for the applicant to file a one year plan approval was imposed. This will allow the applicant to operate with a conditional use to sell beer and wine for on-site consumption, and show compliance with the conditions imposed. In the event

evidence is shown showing non-compliance with these conditions or the operation has shown to adversely affect the welfare of the pertinent community, the decisionmaker will have the ability to modify, renew or deny the subject request. With all these conditions imposed, the project will help promote and create a safe environment for its patrons, surrounding residents and residents on the upper floors, and will not 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.**

The project site is located within Census Tract No. 2217.10. According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, two on-sale and one off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 2217.10. Data provided on the ABC's License Query System indicates that there are currently one existing on-site and five existing off-site licenses within this Census Tract.

Within Census Tract No. 2217.10, the following types of alcoholic beverage licenses are active or pending:

- (4) Type 20 – Off-Sale Beer and Wine
- (1) Type 21 – Off-Sale General
- (1) Type 47 – On-Sale General Eating Place

The following alcohol uses were observed within a 1,000-foot radius of the subject property:

- Nature's Brew, 2316 S. Union Avenue
- Southern Wine & Spirits Wholesale, 2501 S. Hoover Street
- Pancho's Market, 1191 West 24th Street
- Hoover Ranch Market, 2301 South Hoover Street
- Pinero's Market, 2313 South Hoover Street
- 23 Street Café, 936 W. 23rd Street
- Mi Flor Blanca, 2306 Union Avenue
- Bacaro LA, 2308 Union Avenue
- Ebaes, 2314 Union Avenue
- Lee's Market & Liquor, 934 West 23rd Street

According to statistics provided by the LAPD, Southwest Division, which has jurisdiction over the subject property within Crime Reporting District No. 318, a total of 170 crimes were reported in 2016, 67 Part I Crime and 103 Part II Arrests. In 2016,

there were (9) Narcotics, (0) Liquor Law, (33) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, and (19) DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

The Associate Zoning Administrator recognizes that the number of off-site locations exceeds the number allocated for the census tract. Overconcentration can be undue when the addition of a license will negatively impact a community. Overconcentration is not undue when the approval of a license does not negatively impact an area, but rather such a license will benefit the public welfare and convenience. The subject site is located in the South Los Angeles Community Plan Area where there is a continued effort to promote an arrangement of land use, circulation, and services which will improve the function, design, and economic vitality of the commercial corridors within the community.

The proposed use of the subject site is consistent with and aids to advance the redevelopment of this commercial corridor. The California Department of Alcoholic Beverage Control has the discretion to approve or deny an application based on evidence of the effects of normal operations on the public welfare and quiet enjoyment of property by residents. In addition, negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the conditions imposed by this grant. The conditions imposed will safeguard the welfare of the community.

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 site is located along a commercial corridor where there are diverse uses including nearby residential uses. This grant has placed conditions upon the request and has not authorized the use of the property for which may create potential nuisances for the surrounding area. Such imposition of conditions, as well as the imposition of a required plan approval when an operator is secured and future plan approvals for new operators, as well as the Monitoring, Verification and Inspection Program (MViP) will allow the City the opportunity to continue to monitor and verify compliance of the imposed conditions and require the operator to provide evidence of compliance. This will make the use a more compatible and accountable neighbor to the surrounding uses. Should there be any evident nuisance impacts, the Zoning Administrator is able to require that the applicant file for a plan approval with a public hearing to address possible issues and impose corrective measures, and/or institute nuisance abatement procedures to mitigate any impacts/problems, or to revoke the use if warranted. As conditioned, the use will not detrimentally affect nearby sensitive uses.

The following sensitive uses were observed within a 1,000-foot radius of the subject property:

- Multi-family residences
- Single-family residences
- The Art of Living Church, 948 West Adams Boulevard
- WARD A.M.E. Church, 1177 West 25th Street
- Divine Providence & Day Nursery, 2620 Monmouth Avenue
- Hoover Recreation Center, 1010 West 25th Street
- United University Church, 1053 W. 23rd Street
- Iglesia Rio Jordan Church, 1201 W. 24th Street

At the public hearing, several people spoke of concern for the site's proximity to the Hoover Recreation Center, the Divine Providence & Day Nursery and senior care center a homeless shelter, convent, and the intersection of Adams and Hoover Boulevard. Consideration has been given to the sensitive uses near the subject site, and conditions were imposed for the operation to be compatible with these uses. The project does not include an outdoor patio, the sale of beer and wine will be for on-site consumption and will be ancillary to the sale of food in the restaurant. The proposed sale of beer and wine for on-site consumption will not detrimentally affect the neighboring residential and commercial properties in the area because the sale of these beverages will be in a controlled environment within the restaurant. Beer and wine will be distributed by trained employees and subject to multiple security measures. The mode and character of this operation will be a restaurant and not a night club or bar or liquor store. There is no live entertainment and no public dancing, and the grant includes the condition that subjects the applicant to the City's noise ordinance. The applicant will also be subject to conditions imposed by the Alcoholic Beverage Control. The proposed use will not detrimentally affect these sensitive uses within proximity of the subject site because conditions that will reduce any potential impacts related to the sale of alcoholic beverages have been imposed by the Zoning Administrator.

The grant has been well conditioned, which will protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior, criminal activity and underage drinking have been considered and addressed by prohibiting off-site sales, requiring exterior lighting, requiring age verification devices, and requiring proactive security measures.

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in an area outside of a flood zone.

Inquiries regarding this matter shall be directed to Michelle Carter, Planning Staff for the Department of City Planning at (213) 978-1262.



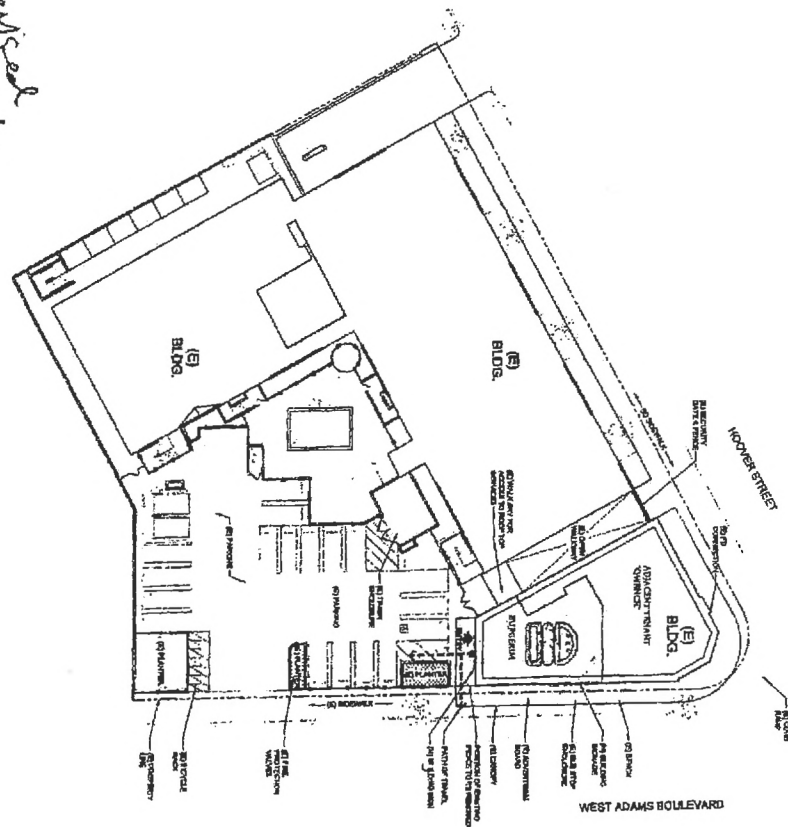
HENRY CHU
Associate Zoning Administrator

HC:MC:bk

cc: Councilmember Marqueece Harris-Dawson
Eight Council District
Adjoining Property Owners

Revised
12/20/17

EXISTING SITE PLAN (FOR REFERENCE ONLY)



SCALE
1" = 30'-0"

8

REVISED PLANS

EXHIBIT "A"
Page NO. 34264-1630
Kuo

GENERAL NOTES

1. THE SITE IS LOCATED WITHIN THE "HOLLYWOOD BOULEVARD" PLANNED AREA.
2. THE SITE IS A CONCEPTUAL SITE PLAN. ALL DIMENSIONS ARE APPROXIMATE.
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15. THE SITE IS A CONCEPTUAL SITE PLAN. ALL DIMENSIONS ARE APPROXIMATE.

AS1.1

90% PROGRESS SET: 2017_10_05

(NOT FOR CONSTRUCTION)

Burgerim

2545 HOOVER STREET
LOS ANGELES, CA 90007

EXISTING SITE PLAN
(FOR REFERENCE ONLY)

CONSTRUCTION

AMOR

CLIENT

Architectural Corporation

10000 WEST 10TH STREET, SUITE 1000
LOS ANGELES, CA 90024

ARCHITECT

10000 WEST 10TH STREET, SUITE 1000
LOS ANGELES, CA 90024

ARCHITECT

