

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

TRICIA KEANE
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

<http://planning.lacity.org>

February 6, 2020

615 Western LA LLC (A)(O)
615 North Western Avenue
Los Angeles, CA 90004

Kevin Hufford (R)
Cano Liquor Licenses
21515 Hawthorne Boulevard, Unit 200
Torrance, CA 90503

CASE NO. ZA-2019-3673-CUB
CONDITIONAL USE
611-613 North Western Avenue
Wilshire Planning Area
Zone : C2-1
C.D. : 4 - Ryu
D.M. : 141B193
CEQA : ENV-2019-3674-CE
Legal Description: Lot Nos. 63 & 64, Vendome
Park Tract

Pursuant to California Environmental Quality Act (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 15301 (Class 1) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and

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

a Conditional Use to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a new multi-kitchen meal delivery service in the C2-1 Zone,

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. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.
7. Authorized herein is the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a proposed 12,550 square-foot multi-kitchen delivery service. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to from 10:00 a.m. to 2:00 a.m. daily.
 - b. Hours of operation for the walk-up window shall be limited from 10:00 a.m. to 10:00 p.m. 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.
8. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
9. 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.
10. Parking shall be subject to the determination of the Department of Building and Safety. No variance from the parking requirements has been granted herein.
11. Any music, sound or noise which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, 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.
12. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.

13. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
14. **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

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
15. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
16. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
17. 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.
18. 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 or truancy occur.
19. 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.
20. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.

21. The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

ADMINISTRATIVE CONDITIONS

22. **MVIP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
- a. Within 24 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.
 - b. The owner/operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
23. 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.
24. At any time during the period of validity of this grant, if it is determined that the 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 Zoning Administrator reserves the right to require that the owner or operator file a Plan Approval application, together with associated fees and a 500-foot notification radius. 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.

25. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS

Applicant shall do all of the following:

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **FEBRUARY 21, 2020**, 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) 231-2598

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that 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 hearing on October 23, 2019, 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 subject property is a 13,852 square-foot level, rectangular-shaped interior lot with a frontage of 100 feet on the west side of Western Avenue. The project site is zoned C2-1 with a land use designation of General Commercial within the Wilshire Community Plan area. The site is located within a Transit Priority Area, a State Enterprise Zone, an Adaptive Reuse Incentive Area, and the Wilshire/Center/Koreatown Redevelopment Project area. The subject property is currently improved with a one-story, 12,550 square-foot commercial building that will be converted from a furniture store to a multi-kitchen delivery service. The commercial kitchen space will be divided into 30 individual kitchen spaces that will be leased and operated by individual food service businesses to exclusively service food delivery apps such as UberEats or Postmates.

The applicant is requesting a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages, in conjunction with a new 12,550 square-foot multi-kitchen meal delivery service. The proposed hours of operation are from 10:00 a.m. to 2:00 a.m., daily.

SURROUNDING PROPERTIES

The surrounding area is primarily zoned C2-1 and R3-1 and has relatively level topography. The subject property is located within an established commercial corridor along Western Avenue, developed with a variety of shops, restaurants, and offices. The surrounding neighborhoods on

both sides of Western Avenue consist primarily of single- and multi-family residences. Properties abutting the subject property to the north are zoned C2-1 and are improved with vacant buildings and furniture stores. Properties to the east across Western Avenue are zoned C2-1 and are improved with single-story furniture stores. Properties to the south abutting the subject property are zoned C2-1 and are improved with a two-story mixed use building with commercial uses on the ground floor and residential units on the second floor. Properties to the west abutting the subject property are zoned R3-1 and are improved with multi-family residential buildings.

STREETS

Western Avenue, adjoining the subject property to the east, is a designated Avenue II, dedicated to width of approximately 85 feet along the project's street frontage and improved with curb, gutter, and sidewalk.

Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:

No previous cases found on the property.

Previous Cases on Surrounding Properties

Case No. ZA-2011-3254-CUB – On March 27, 2012, the Zoning Administrator approved a conditional use to permit the continuation of the sale and dispensing of beer and wine for off-site consumption in conjunction with an existing market, located at 5059 Melrose Avenue.

PUBLIC CORRESPONDENCE

Staff received a letter dated October 7, 2019 from the Wilshire Center – Koreatown Neighborhood Council indicating support for the project with the following condition:

That the applicant work with the Wilshire Center – Neighborhood Council to make up to \$3000 worth of street beautification improvements to the surrounding area.

PUBLIC HEARING

The public hearing was held on Wednesday, October 22, 2019 at Los Angeles City Hall, Room 1020, located at 200 North Spring Street. 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.

The hearing was attended by the applicant, Colby Goff, by the applicant's representative, Louie Cano, and by a representative of Council District 4, Emma Howard. No members of the public attended the hearing.

Mr. Cano stated that the request is a Conditional Use to authorize the off-site sale of a full line of alcoholic beverages in conjunction with a new 12,550 square-foot multi-kitchen meal delivery service. Hours of operation will be from 10 a.m. to 2 a.m. for deliveries. The space is subdivided into 30 small kitchens, each individually operated however for delivery services. However, only one ABC license will be issued for the entire premises with only one operator. The operation will provide delivery of meal service approximately within a four mile radius of the subject site. The applicant has another similar operation at 1842 Washington Boulevard with off-site sale of a full line of alcoholic beverages. There have been no issues associated with the applicant location on Washington Boulevard.

Ms. Howard stated that this a new and emerging type of use and is a different type of alcohol operation and its not clear how to handle these types of businesses. Properties to the rear of the site are residential and are located within the boundaries of a different Neighborhood Council. The Sunset Square Neighborhood Association previously had concerns with the sale of alcoholic beverages. The applicant met with two Neighborhood Councils and after discussions there were few concerns. Driver delivery services are utilized and drivers are ultimately responsible to follow the law. One representative of the Neighborhood Council thought the proposed walk-up window might help activate or enliven the street.

Mr. Goff stated that a Type 41 ABC license will be requested. In order to allow the off-site sale of alcoholic beverages for delivery service, ABC requires that the applicant also provide off-site sales on the premises. Therefore, a walk-up window will be available for the off-site sale of alcoholic beverages. Business will be predominantly for deliveries and the walk-up window will be limited from 10 a.m. to 10 p.m. He noted that drivers are contracted and drivers are required to ensure deliveries of alcohol are only made to persons 21 and over. Drivers carry age verification devices and are required to check and scan IDs to verify the age to persons to whom they deliver alcoholic beverages.

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- No conditions were submitted for consideration.

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 of the Los Angeles Municipal Code. In order for the sale of a full line of alcoholic beverages for off-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

CONDITIONAL USE FINDINGS

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The proposed project is for a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages, in conjunction with a new 12,550 square-foot multi-kitchen meal delivery service. The proposed hours of operation are from 10:00 a.m. to 2:00 a.m., daily. The subject property at 611-613 North Western Avenue is a one-story, 12,550 square-foot commercial building that will be converted from a furniture store to a multi-kitchen delivery service. The commercial kitchen space will be divided into 30 individual kitchen spaces that will be leased and operated by individual food service businesses to exclusively service food delivery apps such as UberEats or Postmates. Leasing these small, individual kitchens for delivery service allows these businesses to operate with a lower overhead cost, making it a viable option for food service operators who cannot afford to lease their own individual space.

The sale and dispensing of a full line of alcoholic beverages will enable the new multi-kitchen meal delivery service to provide additional amenities for patrons. In addition, Western Avenue is a major commercial corridor known for its variety of retail stores and restaurants; as a similar and compatible type of establishment, the proposed project will enable the multi-kitchen meal delivery service to provide an added amenity and convenience to the customers of the individual restaurants as they will not have to seek out another location/service to purchase alcohol. Thus, the project both enhances the built environment and provides a beneficial service. The imposition of a number of conditions addressing operational and alcohol-related issues will ensure that the project will not be disruptive to the surrounding community.

- 2. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject property is developed with an existing one-story commercial building that fronts Western Avenue. The project involves the sale and dispensing a full line of alcoholic beverages, in conjunction with a new 12,550 square-foot multi-kitchen meal delivery service. The proposed project does not include any new construction or expansion of the existing commercial building. The proposed project will include a change of use from a furniture store to a multi-kitchen delivery service. The hours of operation will be limited to 10:00 a.m. to 2:00 a.m., daily.

The subject property is zoned and developed in a manner consistent with both the City's desired land use designation for the site and the surrounding area. The multi-kitchen delivery service use with the sale and dispensing of alcoholic beverages for off-site consumption is compatible with the designated land use. In addition, the project mainly consists of tenant improvement work and there are no changes to any significant features at the site. The multi-kitchen meal delivery service will occupy an existing building and the addition of alcohol sales is unlikely to have a significant impact on the project's location, size, height, operations, and other significant features. Thus, the sale and dispensing of a full line of alcoholic beverages for off-site consumption will not have any additional adverse physical impacts and will be compatible with adjacent properties and the surrounding 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 in the General Plan establish policies and provide the regulatory environment for managing the city and for addressing concerns and issues. The majority of the policies derived from the elements in the General Plan are in the form of Code Requirements, which collectively form the LAMC. With the exception of the entitlement described herein, the project

does not propose to deviate from any of the requirements of the LAMC.

The subject property is located within the boundaries of the Wilshire Community Plan, which establishes land use designations and planning policies for the area. The project site is zoned C2-1 and designated as General Commercial. The multi-kitchen meal delivery service use and the sale and dispensing of alcoholic beverages for off-site consumption are consistent with this zone and land use designation.

Additionally, the project is consistent with the following goal and objective of the Community Plan:

GOAL 2: "AN ECONOMICALLY VITAL COMMERCIAL SECTOR AND STRONG VIABLE COMMERCIAL AREAS THAT OFFER A DIVERSITY OF GOODS AND SERVICES TO MEET THE NEEDS OF THE COMMUNITY IN THE PLAN AREA. COMMERCIAL AREAS SHOULD SATISFY MARKET DEMAND, MAXIMIZE CONVENIENCE AND ACCESSIBILITY WHILE PRESERVING AND ENHANCING THE UNIQUE HISTORIC AND CULTURAL IDENTITIES OF THE DISTRICT."

Objective 2-1: "Conserve and strengthen viable commercial development..."

By enhancing the operation of the proposed multi-kitchen meal delivery service, the project furthers the function of the Western Avenue corridor as a hub of commercial establishments in the community. The addition of alcohol sales supports the operation of a multi-kitchen meal delivery service at the site and the vitality of the entire neighborhood. Additionally, the project is surrounded by many other compatible and complementary uses. The project follows an established pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding area, which include retail, offices, and other restaurants. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and the Community Plan.

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

The proposed multi-kitchen meal delivery service will not adversely affect the welfare of the community. Conditional authorization for the sale and dispensing of a full line of alcoholic beverages for off-site consumption is allowed through the approval of the Zoning Administrator, subject to certain findings. Given the scope of the Conditions and limitations established herein, the surrounding land uses will not be significantly impacted by the project.

Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring responsible management and deterrents against loitering. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program, or the Alcoholic Beverage Control's Licensee Education on Alcohol and Drugs (LEAD) training. Other conditions related to noise prevention and operating restrictions will ensure that the use will not adversely affect the welfare of the community. Therefore, with the imposition of such conditions, the sale and dispensing of a full line of alcoholic beverages for off-site consumption will not adversely affect the welfare of the surrounding community.

5. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these

establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs, or alcohol, disturbing the peace, and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, three (3) on-site and two (2) off-site consumption licenses are allocated to the subject census tract (Census Tract 1924.20). Currently, there are nine (9) active on-site licenses and three (3) active off-site licenses total in this census tract. The subject request will be adding a Type 21 ABC License to the census tract.

The granting of the Conditional Use will not result in an undue concentration of premises with such licenses. The granting of an application for the sale or dispensing of a full line of alcoholic beverages for off-site consumption would be undue when the addition of a license will negatively impact a neighborhood. It is not undue when approval of a license does not negatively impact an area, but rather such license benefits the public welfare and serves as a convenience. As support by the aforementioned facts, the project involves the granting of an application to sell a full line of alcoholic beverages for off-site consumption in conjunction with a multi-kitchen meal delivery service. The grant will be an asset to the community and will not adversely affect the community welfare. As a result, the instant grant will not result in an undue concentration of such licenses.

According to statistics provided by the Los Angeles Police Department's Olympic Division Vice Unit, within Crime Reporting District No. 2002 which has jurisdiction over the subject property, a total of 188 crimes were reported in 2018, including 121 Part I and 67 Part II crimes, compared to the Citywide average of 185 crimes and the High Crime Reporting District average of 222 crimes for the same reporting period. Alcohol-related Part II crimes reported include Narcotics (3), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI-related (8), and Miscellaneous Other Violations (2). 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 crime numbers are slightly higher than the citywide average and the high reporting district however there has been no evidence submitted for the record establishing any nexus between the subject site and the area's crime rate. The Zoning Administrator has incorporated numerous operational conditions to the grant that address noise, safety, and security to further ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. Therefore, the granting of the request herein will not result in undue concentration.

- 6. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

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

Single-Family Residences

Multi-Family Residences

Twentysixth Church of Christ Scientist, 470 St. Andrews Place

Korea Sah Buddhist Temple, 500 North Western Avenue
The Oriental Mission Church, 424 North Western Avenue
Los Angeles Fire Department Station 52, 4957 Melrose Avenue

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

ADDITIONAL MANDATORY FINDINGS

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

Inquiries regarding this matter shall be directed to Joann Lim, Planning Staff for the Department of City Planning, at (213) 978-1341 or Joann.Lim@lacity.org.



FERNANDO TOVAR
Associate Zoning Administrator

FT:JL:bk

cc: Councilmember David Ryu
Fourth Council District
Adjoining Property Owners

ARCHITECTURAL DESIGN
 STUDIO, INC.
 4535 SANDHURST DRIVE
 SAN FRANCISCO, CA 94121
 TEL: 415.778.1000
 FAX: 415.778.1001
 WWW.ASDSTUDIO.COM

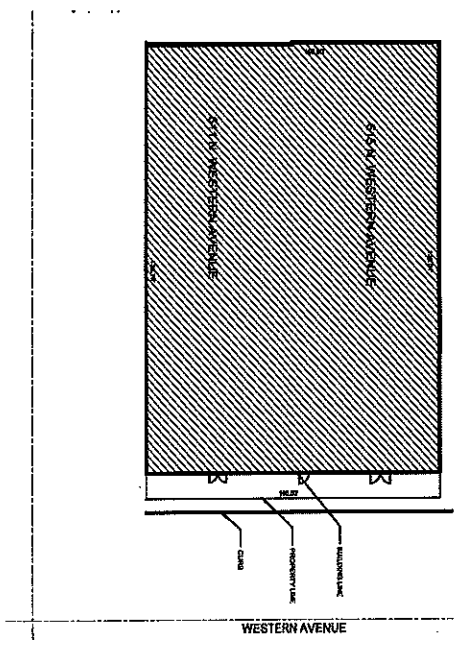
CASE NO. 21-2019-3673-CUB
 2118 MARKET STREET, SUITE 200
 SAN FRANCISCO, CA 94102
 TEL: 415.778.1000
 FAX: 415.778.1001
 WWW.ASDSTUDIO.COM

SCALE:
 1" = 10'-0"
 1/8" = 1'-0"
 1/4" = 2'-0"
 1/2" = 4'-0"
 3/4" = 6'-0"
 1" = 8'-0"
 1 1/4" = 12'-0"
 1 1/2" = 15'-0"
 1 3/4" = 18'-0"
 2" = 24'-0"
 2 1/4" = 30'-0"
 2 1/2" = 36'-0"
 2 3/4" = 42'-0"
 3" = 48'-0"
 3 1/4" = 54'-0"
 3 1/2" = 60'-0"
 3 3/4" = 66'-0"
 4" = 72'-0"
 4 1/4" = 78'-0"
 4 1/2" = 84'-0"
 4 3/4" = 90'-0"
 5" = 96'-0"
 5 1/4" = 102'-0"
 5 1/2" = 108'-0"
 5 3/4" = 114'-0"
 6" = 120'-0"

OWNER:
 615 WESTERN LTD.
 615 WESTERN AVENUE
 LOS ANGELES, CA 90004

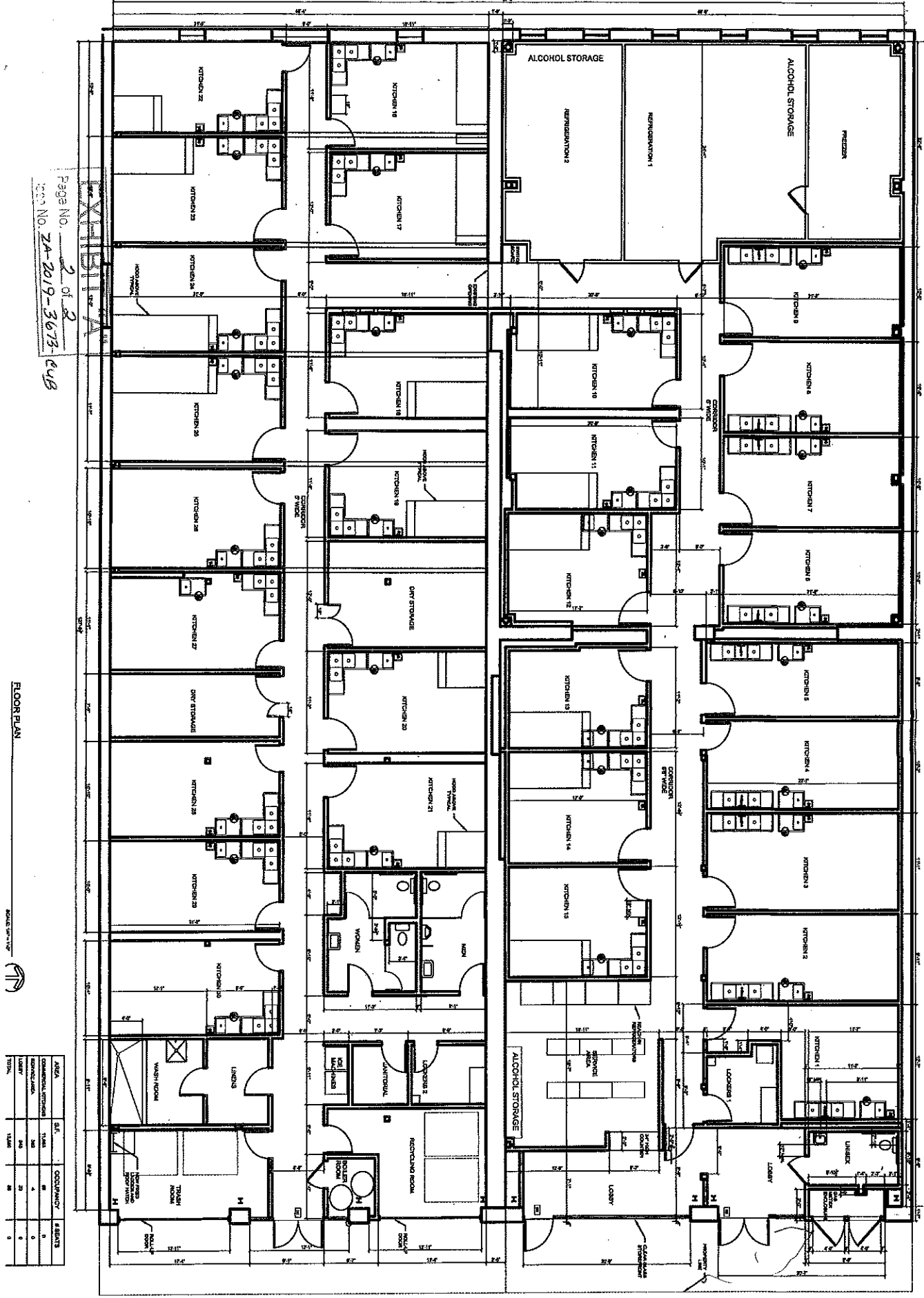
EXHIBIT "A"
 Page No. 1 of 2
 Case No. 21-2019-3673-CUB

AREA	S.F.	OCCUPANCY	# SEATS
COMMERCIAL KITCHEN	1,500	20	0
RESTROOM	300	4	1
STORAGE	200	20	0
OFFICE	1,000	20	0
TOTAL	3,000	64	1



ZA-2019-3673-CUB

DATE: 10/15/2021
 TIME: 10:30 AM
 SHEET NO.: 1
 TOTAL SHEETS: 2
 PROJECT NO.: 21-2019-3673-CUB
 PROJECT NAME: 615 WESTERN AVENUE
 CLIENT: 615 WESTERN LTD.
 ARCHITECT: ARCHITECTURAL DESIGN STUDIO, INC.
 SCALE: 1/8" = 1'-0"
 SHEET TITLE: SITE PLAN



Page No. 2 of 2
 Proj. No. ZA-2019-3673-KUB

FLOOR PLAN

AREA	S.F.	OCCUPANCY	SEATING
COMMERCIAL KITCHEN	7144	4	0
RESTROOM	48	20	0
LOBBY	48	20	0
TOTAL	7240	24	0

ARCHITECTURAL DESIGN STUDIO, INC.
 ANTHONY TEBEREN, ARCHITECT
 4333 GARDENWAY AVENUE
 LOS ANGELES, CA 90027
 TEL: 323.581.1483
 FAX: 323.581.1483
 ANTHONY@DESIGNSTUDIO.COM

OWNER:
 515 N. WESTERN AVE.
 515 N. WESTERN AVENUE
 LOS ANGELES, CA 90004

DATE OF CONSTRUCTION CONSULTANT REPORT:
 11/15/2019
 11/15/2019
 11/15/2019
 11/15/2019
 11/15/2019

SCALE: 1/8" = 1'-0"

FLOOR PLAN

DI 2

