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August 5, 2021

Eric Young Bae (A)
Goldentrees Inc.
2314 South Union Avenue
Los Angeles, CA 90007

Victorian Village Complex (O)
6 Packsaddle Road
Rolling Hills, CA 90274

Alex Woo (R)
Genesis Consulting Inc.
3600 Wilshire Boulevard
Los Angeles, CA 90010

CASE NO. ZA-2013-3057-CUB-PA1
CONDITIONAL USE / PLAN APPROVAL
2314 South Union Avenue
South Los Angeles Community Plan
Zone: C2-1VL-O-HPOZ-CPIO
C.D: 1 – Gilbert Cadillo
D.M.: 124-5A201 291
CEQA: ENV-2020-7912-CE
Legal Description: Lot FR LT 37, Hoover
Tract

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Pursuant to Los Angeles Municipal Code (LAMC) Sections 12.24 W.1 and 12.24-M, I hereby APPROVE:

a Conditional Use Permit and Plan Approval to allow the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,340 square-foot restaurant with 44 indoor seats, in the C2-1VL-O-HPOZ-CPIO zone.

Pursuant to Los Angeles Municipal Code (LAMC) Sections 12.24 W.27 and 12.24-M, I hereby APPROVE:

a Conditional Use Permit and Plan Approval to permit deviations from the Commercial Corner Development provisions to allow the operation of the existing 1,340 square-foot restaurant with 44 indoor seats, from 11:00 AM to 11:00 PM Sunday to Wednesday, and 11:00 AM to 12:00 AM midnight from Thursday to Saturday in the C2-1VL-O-HPOZ-CPIO 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. No additions to the approved site plan such as, pool tables, Coin operated game machines, or video machines shall be permitted on the premises at any time unless permitted by the Plan Approval process of Section 12.24.M of the Los Angeles Municipal Code.
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.
7. Authorized herein is the sale of beer and wine for on-site consumption in conjunction with an existing 1,340 square-foot restaurant with 44 indoor seats, from 11:00 AM to 11:00 PM Sunday to Wednesday, and 11:00 AM to 12:00 AM midnight from Thursday to Saturday in the C2-1VL-O-HPOZ-CPIO zone. The grant shall be subject to the following limitations:

8. The authorization granted herein for the on-site sale and dispensing of beer and wine for a period of **ten (10)** years from the effective date of this grant. Thereafter, a new authorization will be required to allow the sale and dispensing of beer and wine for on-site consumption.
9. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
10. Within six months of the effective date of the action, all managers and staff involved with the sale of the alcoholic beverages shall enroll in the Los Angeles Police Department's "Standardized Training for Alcohol Retailer's: (STAR). Upon completion of the training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall submit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the license
11. The business operator of said premise shall maintain on the premise and present upon request to any law enforcement officer, a copy of the Business Permit, Insurance information, and any valid emergency contact phone number used by the business.
12. The applicant shall be responsible for maintaining the premises and adjoining sidewalk free of debris or litter.
13. No pay phone will be maintained on the exterior of the premises.
14. No music, sound or noise shall be emitted from the subject businesses at a level prohibited by the noise regulations of the Los Angeles Municipal Code. Live/amplified recorded-music shall not be audible beyond the area under control of the applicant, and any sound or noise emitted that is under control of the petitioner shall constitute a violation of Section 116.01 of the LAMC, including any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort.
15. There shall be no dancing allowed on the premises.
16. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians
 - b. Customer service desk, front desk or near the reception area.Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.
17. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not

- adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
18. Loitering is prohibited on or around these premises or the area under the control of the applicant.
 19. The applicant shall be responsible for maintaining free of litter the area under control of the applicant.
 20. The premises shall not be used exclusively for private parties where the general public is excluded.
 21. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, or the Department of Building and Safety. The on-site Manager and employees shall be knowledgeable of the conditions herein.
 22. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
 23. 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.
 24. **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 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs 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 and 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.
 25. 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 floor plan, seating arrangement or number of seats of the new operation.

26. 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-E, 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.

27. **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 - TIME EXTENSION

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 **August 20, 2021**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

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

**West Los Angeles
Development Services
Center**
1828 Sawtelle Blvd, 2nd Floor
West Los Angeles, CA 90025
(310) 231-2912

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

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on July 22, 2021, 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 Plan Approval under the provisions of Sections 12.24 W.1, 12.24 W.27 and 12.24-M have been established by the following facts:

BACKGROUND

The subject property comprised of five lots is 22,987 square feet in size. The property is developed with a multi-tenant commercial complex consisting of three, side by side two-story buildings fronting on Union Avenue, one, two-story building fronting on 24th Street, and one, two-story building on the interior of the lot. A surface parking lot is maintained on the rear portion of the lot, with vehicular ingress and egress via a driveway and curb cut accessing either 23rd or 24th Streets. The property is zoned C2-1VL-O-HPOZ-CPIO with a Neighborhood Commercial land use designation within the South Los Angeles Community Plan Area. This subject site is also located within the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay (NSO) District (ZI-2397), the Los Angeles State Enterprise Zone (ZI-2374), the City of Los Angeles Transit Priority Areas (ZI-2452), Freeway Adjacent Advisory Notice for Sensitive Uses (ZI-2427), The University Park Historic Preservation Overlay Zone (ZI-2440), the South Los Angeles Alcohol Sales Specific Plan (ZI-1231), and the South Los Angeles Community Plan Implementation Overlay (CPIO) District (ZI-2484). The subject site is within the Neighborhood-Serving Corridor Subarea of the South Los Angeles Community Plan Implementation Overlay (CPIO) District.

The properties to the northwest of the site, across Union Avenue, are zoned C2-1VL-O-HPOZ-CPIO and developed with a city park. The properties to the northeast of the site, across 23rd Street are zoned C2-1VL-O-HPOZ-CPIO and developed with commercial retail fronting Union Avenue and residential uses fronting 23rd Street. The abutting properties to the east of the site are zoned [Q]RD2-1XL-O-HPOZ and developed with residential uses fronting 23rd and 24th Streets. The abutting property to the northwest of the site is zoned C2-1VL-O-HPOZ-CPIO and developed with a one-story multi-tenant commercial retail building. The properties to the south of the site, across 24th Street are zoned C2-1VL-O-HPOZ-CPIO and developed with a restaurant fronting Hoover Street and residential uses fronting 24th Street.

Union Avenue, adjoining the property to the northwest (the project's Primary Frontage) is a designated Local Street, with a designated right-of-way width of 60 feet and designated Roadway width of 36 feet, and improved with curb, gutter and sidewalk.

Hoover Street, adjoining the property to the west, is a designated Major Highway – Class II, with a designated right-of-way width of 110 feet and designated Roadway width of 80 feet, and improved with curb, gutter and sidewalk.

24th Street, adjoining the property to the southeast, is a designated Local Street, with a designated right-of-way width of 60 feet and designated roadway width of 36 feet, and improved with curb, gutter and sidewalk.

23rd Street, adjoining the property to the north, is a designated Collector Street, with a designated right-of-way width of 60 feet and designated Roadway width of 36 feet, and improved with curb, gutter and sidewalk.

The proposed project is a request for the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,340 square-foot restaurant with 44 indoor seats, from 11:00 AM to 11:00 PM Sunday to Wednesday, and 11:00 AM to 12:00 AM midnight from Thursday to Saturday in the C2-1VL-O-HPOZ-CPIO zone. The restaurant (Ebaes) menu consists of mostly Asian style dishes.

Previous zoning related actions include:

Case No. ZA-2013-3057-CUB-CU – On April 18, 2014, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of beer and wine for off-site consumption and on-site consumption in conjunction with a restaurant, located within C2-1VL-O-HPOZ Zone, and a Conditional Use Permit for deviation from Commercial Corner Development provisions to allow the operation of the restaurant from 11:00 AM to 11:00 PM Sunday to Wednesday, and 11:00 AM to 12:00 AM midnight from Thursday to Saturday located within C2-1VL-O-HPOZ Zone.

Surrounding Properties

Case No. ZA-2005-5365-CUB – On May 12, 2006, the Zoning Administrator approved a Conditional Use Permit authorizing the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,041 square-foot restaurant, located at 2308 South Union Avenue within C2-1VL-O-HPOZ Zone.

PUBLIC HEARING

A Notice of Public Hearing was mailed to property owners and/or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning.

All interested parties were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the Office of Zoning Administration Public Hearing was conducted telephonically on July 22, 2021, at approximately 10:0am. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. The hearing was conducted by Associate Zoning Administrator Theodore Irving for Case No. ZA-2013-3057-CU -PA1 and CEQA No. ENV-2020-7912-CE. The following testimony was provided at the hearing:

Alex Woo – Genesis Consulting Group, Applicant's Representative

- We are here representing E Y Bae,
- We have been at the location for seven years, dating back to 2014,
- We have a large patronage from USC,
- We are not seeking an intensification or any deviation,
- We have no violations with LAPD or with ABC,
- Because we've been good neighbors, we no longer should have the sunset clause,
- We reached out to the Council Office and the LAPD, Southwest Division,
- We've never been cited before; may be it was next door,
- We reached out to the Council District; spoke with Gerald Gubutan,
- We reached out to Southwest Division of LAPD

Randy Flores -Neighboring Resident

- I'm a 56-year resident of the neighborhood,
- The restaurant is creating parking issues,
- Extending the restaurant to 44 seats will mean more parking problems,
- Next door to the restaurant, LAPD is there all the time,
- The USC kids are the problem,
- I don't want the alcohol service here,

Auroa Baccerra – Resident and Community Activist

- Restaurants always want a liquor license,
- There is always excessive drinking,
- This causes disruption to the community,
- I've had to clean up vomit; we don't need any more liquor licenses,
- They disrespect the community,
- We really need to stop these liquor licenses,
- I'm opposed to issuing a license to E. Bae,
- Everybody is against the liquor license,

Ghandy Diaz – Field Deputy, Council District 1

- We believe the applicant needs to do more outreach,
- We are asking for a continuance of the project

CORRESPONDENCE

There was no correspondence related to this case.

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 and 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.

Prior to issuing the Letter of Determination, the Zoning Administrator has considered all of the testimony from affected and/or interested persons regarding the project as well as written communications received prior to, or at, or subsequent to the hearing as well as the merits of the project as it related to existing environmental and land use regulations.

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:

- Any alcoholic beverage sold or dispensed for on-site consumption shall be served by employees of the establishment. No self-service of alcohol is allowed.
- There shall be no sales of wine by the bottle or storage of any bottle for future consumption.
- There shall be no minimum drink required of patrons.

- No person under 21 years of age shall sell or serve alcoholic beverages.
- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- There shall be no bottle service.
- No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
- There shall be no "bottle service" of distilled spirits; "Magnum" sized wine/champagne, nor "Buckets" of beer allowed.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- The sale of alcoholic beverages for consumption off-premises shall be prohibited.
- No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.
- The quarterly gross sales of food shall not exceed the quarterly gross sales of alcohol. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- There shall be no cocktail lounge or separate bar area.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
- Alcohol may only be served to patrons who are seated at a table or seated at the bar and only in conjunction with a food order. Patrons shall not be served while standing or while waiting to be seated.
- The single unit sales of malt liquors and/or malt based products shall be prohibited.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

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 comprised of five lots is 22,987 square feet in size. The property is developed with a multi-tenant commercial complex consisting of three, side by side two-story buildings fronting on Union Avenue, on one, two-story building fronting on 24th Street, and one, two-story building on the interior of the lot. A surface parking lot is located on the rear portion of the lot, with vehicular ingress and egress via a driveway and curb cut accessing either 23rd or 24th Streets.

The property is zoned C2-1VL-O-HPOZ-CPIO with a Neighborhood Commercial land use designation within the South Los Angeles Community Plan Area. This subject site is also located within the North University Park-Exposition Park-West Adams Neighborhood Stabilization Overlay (NSO) District, the Los Angeles State Enterprise Zone, the City of Los Angeles Transit Priority Areas Freeway Adjacent Advisory Notice for Sensitive Uses, The University Park Historic Preservation Overlay Zone, The South Los Angeles Alcohol Sales Specific Plan) and the South Los Angeles Community Plan Implementation Overlay (CPIO) District, The subject site is within the Neighborhood-Serving Corridor Subarea of the South Los Angeles Community Plan Implementation Overlay (CPIO) District.

The proposed project is a request for the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,340 square-foot restaurant with 44 indoor seats, from 11:00 AM to 11:00 PM Sunday to Wednesday, and 11:00 AM to 12:00 AM midnight from Thursday to Saturday in the C2-1VL-O-HPOZ-CPIO zone. The restaurant (Ebaes) menu consists of mostly Asian style dishes.

The subject restaurant is located within an existing commercial building and within an established commercial corridor. Restaurants, retail, and office establishments in the vicinity share the similar massing, scale, and intensity of use as the subject restaurant. The request to sell beer and wine represents a use that is not uncommon to the area but, rather, adds to a range of dining and night life options. As such, the restaurant in conjunction with the imposition of operational conditions will provide a function that is fitting and compatible with the character of the surrounding community and commercial viability of the region as a whole. The adopted conditions will serve to ensure that the built environment is not jeopardized but, rather, enhanced by the proposed use.

The restaurant is a desirable amenity that offers a variety of Asian style dishes. The restaurant provides a public convenience for the surrounding residential neighborhood as well as to the employees of local businesses and is in a convenient location that residents and local employees can reach by walking or public transit in the area. As proposed, the use will continue to serve

the public and as sited, the location is compatible with the surrounding community. Therefore, the project will continue to enhance the surrounding neighborhood and provide a service that is beneficial 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 properties to the northwest of the site, across Union Avenue, are zoned C2-1VL-O-HPOZ-CPIO and developed with a City park. The properties to the northeast of the site, across 23rd Street are zoned C2-1VL-O-HPOZ-CPIO and developed with commercial retail fronting on Union Avenue and residential uses fronting on 23rd Street. The abutting properties to the east of the site are zoned [Q]RD2-1XL-O-HPOZ and developed with residential uses fronting on 23rd and 24th Streets. The abutting property to the northwest of the site is zoned C2-1VL-O-HPOZ-CPIO and developed with a one-story multi-tenant commercial retail building. The properties to the south of the site, across 24th Street are zoned C2-1VL-O-HPOZ-CPIO and developed with a restaurant fronting on Hoover Street and residential uses fronting 24th Street.

The proposed project is a request for the continued sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,340 square-foot restaurant with 44 indoor seats, from 11:00 AM to 11:00 PM Sunday to Wednesday, and 11:00 AM to 12:00 AM midnight from Thursday to Saturday in the C2-1VL-O-HPOZ-CPIO zone. The restaurant (Ebaes) menu consists of mostly Asian style dishes. The project is located within a commercial building having multiple tenants and has on-site shared parking spaces. As proposed, the restaurant with alcohol sales for on-site consumption will serve the public convenience and provide an amenity within walking distance of local residents. Lastly, the Zoning Administrator has imposed a series of conditions to ensure that the wine bar will be operated in a reasonable manner in relation to the surrounding neighborhood. Therefore, the project will not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. Most of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans.

The South Los Angeles Community Plan Map designates the property for Neighborhood Commercial land use with corresponding zone of C2 and Height District 1VL-O-HPOZ-CPIO. The project is located within the University Park Historic Preservation Overlay Zone and considered a contributing structure. As the project doesn't involve any remodeling or addition, so the HPOZ review is not required. The project is located in the Subarea A: Neighborhood-

Serving Corridor of the South Los Angeles Community Plan Implementation Overlay (CPIO District which doesn't have any regulation for the sale and dispensing of beer and wine for on-site consumption. The South Los Angeles Community Plan text does not specifically address the requested conditional use for the sale of alcoholic beverages. However, the Los Angeles Municipal Code authorizes the Zoning Administrator to grant the requested conditional use in the zones corresponding to the plan land use designation. In such cases, the Zoning Administrator must interpret the intent of the Plan. Given the numerous conditions of approval, the use would help enhance the viability of area businesses and the surrounding neighborhood. The restaurant serves the neighborhood, creates job, provides a street level use which encourages and enhances pedestrian activity in the area, the proposed use can be deemed to be in harmony with the General Plan.

ALCOHOLIC BEVERAGES SALES FINDINGS

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

The approval of the conditional use request will not adversely affect the welfare of the community. The subject property is zoned for commercial uses with a general plan land use designation of Neighborhood Commercial, with the corresponding zones of CR, C1, C1.5, C2, C4, RAS3, and R3. The site is zoned for neighborhood commercial uses and will be utilized as such with the sale of beer and wine for on-site consumption in conjunction with the existing restaurant. The request does not include public dancing, a cocktail lounge, video game machines, or any form of live entertainment. The absence of these specific activities will reinforce the primary business of serving food as a sit-down restaurant. The requested entitlement is generally conditioned to reflect the mode of operation stated in the application is compatible with the welfare of the community. The use will not adversely affect the economic welfare of the community because the restaurant positively impacts the financial health of the property and improves the economic vitality of the area via increases in taxable revenue and local employment. The project continues to provide much needed economic revitalization to the community.

This grant is authorized for a term of seven years, after which time the applicant will need to file for a new conditional use for the sale and dispensing of beer and wine. The Term grant allows the City an opportunity to review the operation of the restaurant establishment anew. If the operation conducted appropriately and without creating problems for the neighborhood, then a subsequent decision on a new conditional use may take that into favorable consideration. A record of poor compliance and/or documented nuisance complaints would allow the City the discretion to not grant or anew a conditional use. The zoning Administrator has imposed numerous conditions to prevent impacts and integrate the use into the community as well as protect community members from adverse potential impacts. Additional conditions have been recommended for consideration by the California Department of Alcoholic Beverage Control that regulates the sales of alcohol to prevent adverse impacts to neighborhood. Other conditions have been imposed to maintain the order and ensure the cleanliness. Therefore, The approval of the conditional use will not adversely affect the welfare of the 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 State Department of Alcoholic Beverage Control (ABC) licensing criteria, 3 on-site and 1-off-site consumption licenses are allocated to the subject census tract (Census Tract 2244.10). Currently there are five on-site licenses and two-off-site licenses in this census tract. The restaurant currently holds one of the on-site licenses. Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. The granting of the request will not add to the alcohol licenses in this census tract since the applicant already holds an alcohol license. However, the project will not adversely affect community welfare because the restaurant is a desirable use in an area designated for such and the on-site sale of beer and wine will enhance the night life in the commercial corridor and the vitality of the neighborhood.

Statistics from the Los Angeles Police Department reveal that in the subject Crime Reporting District No. 308, which has jurisdiction over the subject property, a total of 118 crimes were reported in 2020, compared to the citywide average of 141 crimes and 169 crimes in the high crime reporting district for 2020. Of the 118 crimes reported, two arrests were made for narcotics drug laws, no arrests were made for liquor laws, no arrest was made for public drunkenness, no arrests was made for disturbing the peace, no arrests was made for disorderly conduct, and nine arrest were made for driving under the influence.

Part I Crimes reported by LAPD include, Homicide (0), Rape (2), Robbery (6), Aggravated Assault (9), Burglary (16), Larceny (45), Vehicle Theft (17). Part II Crimes reported include, Other Assault (5), Forgery/Counterfeit (0), Embezzlement/Fraud (0), Stolen Property (1), Weapons Violation (0), Prostitution Related (0), Sex Offenses (0), Offences against Family (0), Narcotics (2), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DWI related (9), and other offences (6).

The crime rate in the census tract where the existing restaurant is located is a below the citywide average. The Zoning Administrator has imposed a number of conditions related to the service of alcohol that will further reduce any potential crime or nuisance issues.

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 is located within the South Los Angeles Community Plan with a Neighborhood Commercial land use designation. The following sensitive uses are located within a 1,000-foot radius of the project site:

- Hoover Recreation Center – 2500 South Hoover Street
- Gertz-Ressler High School – 2023 South Union Avenue
- Richard Merkin Middle School – 2023 South Union Avenue
- Divine Providence Kindergarten– 2620 Monmouth Avenue
- Ward Ame Curch – 1177 West 25th Street

The surrounding area has a mixture of restaurants, retail stores, and residential uses. The term grant allows for a subsequent consideration of the request taking into account any changes in the area which may create impacts. The Zoning Administrator finds that the conditional use will not detrimentally affect neighboring residentially zoned properties or sensitive uses in the area.

MANDATED FINDINGS FOR A CONDITIONAL USE PURSUANT TO SECTION 12.24 W.27 FOR EXTENDED HOURS IN A MINI-SHOPPING CENTER/CORNER COMMERCIAL PROJECT.

- 7. That based on data provided by the City Department of Transportation or by a license traffic engineer, that ingress to and egress from the project site will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

The subject premise is an existing tenant approved by the Zoning Administrator in 2013. The project did not reach a threshold requiring review by the Department of Transportation of a traffic study at that time. No modifications to the long-existing pattern of ingress to and egress from the property is proposed. The conditional use approval for the Commercial Corner Development is required only for the extension of hours to the permit operation of the restaurant between the hours of 11:00 p.m. and 7:00 a.m. The Zoning Administrator has approved the extended hours of operation. Therefore, any impacts related to this request should not be significant as vehicular circulation will remain unchanged and the nature of this use remains what is permitted by right previously.

- 8. That project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.**

The existing commercial building on the subject site was originally constructed in 1920s. The site completed a minor renovation at the time of the 2013 approval and as result, it will not result in a new Commercial Corner Development or increase the floor area, height of number of tenants. The conditional use approval for commercial corner development is required only for the extension of hours of operation for the continued operation of an existing restaurant

extending past 11:00 p.m. Thus, the proposed will not cause or contribute to a detrimental concentration of Commercial Corner Developments in the vicinity of the subject property.

ADDITIONAL MANDATORY FINDINGS

9. 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 outside of the flood zone.

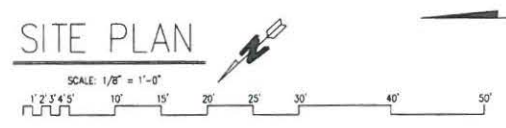
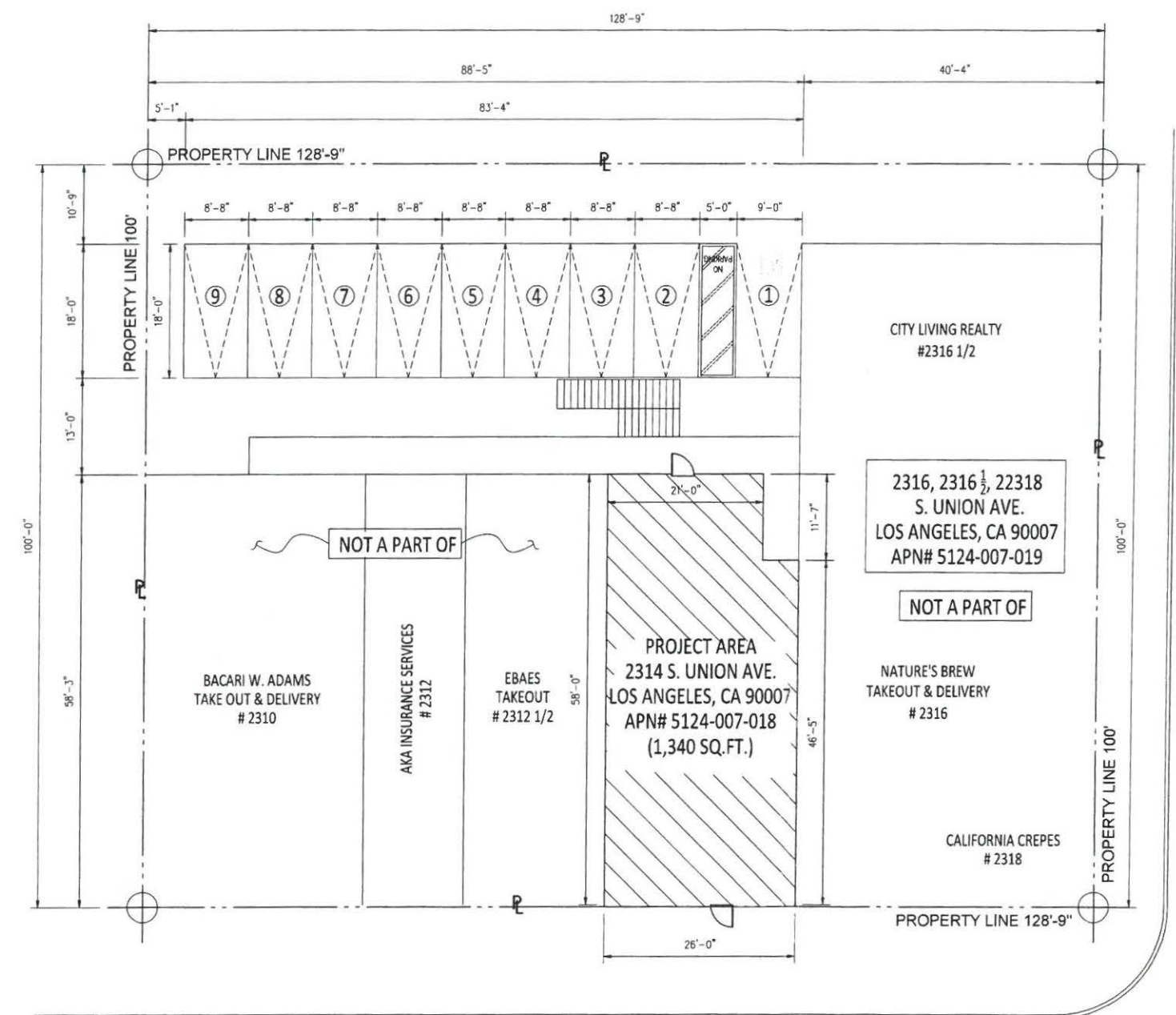
Inquiries regarding this matter shall be directed to Helen Jadali, Planning Assistant for the Department of City Planning at helen.jadali@lacity.org.



THEODORE L. IRVING, AICP
Associate Zoning Administrator
Theodore Irving

TLI:MS:EG;HJ;ds

cc: Council District 1
First District
Adjoining Property Owners



SHEET INFO.	
A-1	SITE PLAN
A-2	FLOOR PLAN

BUILDING DATA:	
SITE ADDRESS	2310, 2312, 2314, 2312 1/2 S. UNION AVE. LOS ANGELES, CA 90007
LOT/PARCEL AREA (CALCULATED)	5,205.2 (SQ. FT.)
ASSESSOR PARCEL NO. (APN)	5124-007-018
PROPERTY TYPE:	COMMERCIAL / INDUSTRIAL
PROPERTY BOUNDARY DESCRIPTION: HOOVER TRACT SW 52 FT OF NE 78.78 FT OF NW 100 FT OF LOT 37	
ZONING:	C2-1VL-O-HPOZ-CPIO
OCCUPANT GROUP:	B
OCCUPANT LOAD:	44 (MAX)
CONSTRUCTION TYPE:	TYPE V-B
EXISTING BUILDING INFO:	
PROJECT SQUARE FOOTAGE:	6,264 SQ.FT.
YEAR BUILT / EFFECTIVE YEAR BUILT:	1902 / 1907
BEDROOMS / BATHROOMS	0 / 0
UNITS	0
SPRINKLER:	(NONE SPRINKLERED)
PROJECT INFO: #2314	
PROJECT SQUARE FOOTAGE:	1,340 SQ.FT.

RESTAURANT SEATING:	
INDOOR SEATING:	44 SEATS

PARKING ANALYSIS:	
PARKING PROVIDED:	
STANDARD PARKING	8
HANDICAP PARKING	1
TOTAL PARKING STALLS:	9 STALLS

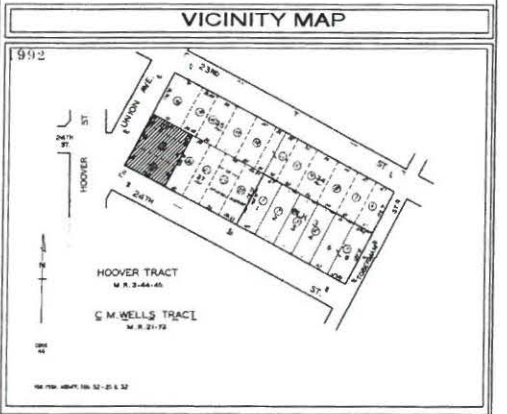
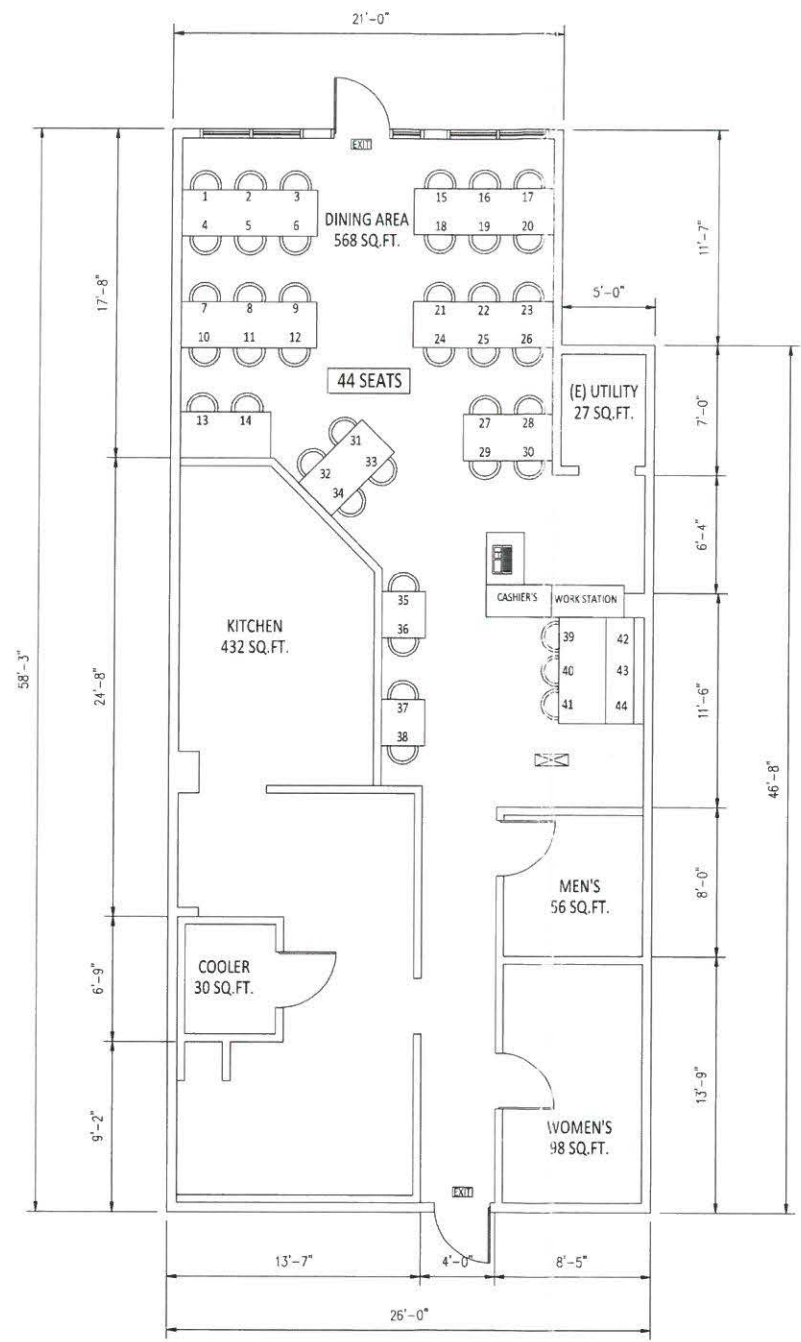


EXHIBIT "A"
 ZA-2013-3057(CUB)PA1
 1 OF 2

REVISIONS	BY

GENESIS CONSULTING INC. 3530 WILSHIRE BLVD. STE. 1170 LOS ANGELES, CA 90010 OFFICE 213-228-3288 WWW.GCI-COM	
OWNER INFORMATION: 2314 S UNION AVE. LOS ANGELES CA 90007	
PROJECT INFORMATION: 2314 S UNION AVE. LOS ANGELES CA 90007 APN# 5124-007-018	
DATE	10-23-2020
SCALE	1/8" = 1'-0"
DRAWN	
JOB	
SHEET	A-1

1 ZA-2013-3057-CUB-PA1



EXISTING FLOOR PLAN
 SCALE: 1/4" = 1'-0"

SUMMARY OF AREA CALC.	SIZE (S/F)
COOLER	30
UTILITY	27
DINING AREA	568
MEN'S RESTROOM	56
WOMEN'S RESTROOM	98
KITCHEN	432
OTHERS	129
TOTAL SQ.FT.	1,340

SEATS :	
INDOOR SEATS	44
OUTDOOR SEATS	0
TOTAL SEATS	44

PARKING PROVIDED :	STALLS
STANDARD PARKING	8
HANDICAP PARKING	1
TOTAL PARKING	9

EXHIBIT "A"
 ZA 2013-3057 (CUB) (PA1)
 20F2

REVISIONS	BY

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OWNER INFORMATION:
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PROJECT INFORMATION:
 2314 S UNION AVE.
 LOS ANGELES CA 90007
 APN# 5124-007-018

DATE: 10-23-2020
 SCALE: 1/4" = 1'-0"
 DRAWN:
 JOB:
 SHEET:

A-2

ZA-2013-3057-CUB-PA1