

Conditional Use Permit-Alcohol (CUB)

Additional Information/Findings

2314 S. Union Ave

REQUEST

A Conditional Use Permit (CUB) pursuant to the provisions of Section 12.24-W.1 of the Los Angeles Municipal Code, to allow the continuance sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 1,340 S.F. restaurant with 44 indoor seats. This restaurant will operate between the hours of 11:00 am to 11:00 pm Sunday to Wednesday, 11:00 am to 12:00 am midnight Thursday to Saturday. The property lies in the C2-I L-0-HPOZ Zone.

BACKGROUND

The subject property is located at 2314 S. Union Ave, Los Angeles, CA 90007 on the east side of South Union Avenue. The restaurant is currently operating with food and alcohol service. There is no expansion or additional square footage proposed with this request.

This application respectfully requests a Conditional Use Permit (CUB) to allow the continuance of on-site sale and consumption of beer and wine at the restaurant during operating hours of 11:00 am to 11:00 pm Sunday to Wednesday, 11:00 am to 12:00 am midnight Thursday to Saturday.

This property is located within the South Los Angeles Community Plan Area, in the jurisdiction of the South Los Angeles Planning Commission, and is a part of the Empowerment Congress North Area Neighborhood Council, all of which guide development within this area.

Since there is no change of use or expansion of the business, there is no change in the required number of parking spaces. Currently there are 8 standard parking spaces and 1 disabled space, in total of 9 parking spaces.

Our application for a CUB at the subject site includes the following characteristics:

| | |
|---------------------------|---|
| Square Footage | 1,340 SF |
| Unit / Address | 2314 S. Union Ave, Los Angeles, CA 90007 |
| Hours of Operation | 11:00 am to 11:00 pm Sunday to Wednesday, 11:00 am to 12:00 am midnight Thursday to Saturday. |
| Use | Restaurant |

| | |
|-----------------------------|--|
| Tenant-Operator | Eric Young Bae, GOLDENTREES INC. |
| Type of Alcohol | Type 41 – Beer and wine on-site eating place |
| Food | Yes |
| Zoning | C2-1 L-0-HPOZ |
| Interior Seats | 44 |
| Exterior Seats | 0 |
| Total Seats | 44 |
| Live Entertainment | No |
| Dancing | No |
| Off-site Sales | No off-site alcohol sales. Only food |
| Private Parties | No |
| Census Tract | 2244.10 |
| Neighborhood Council | Empowerment Congress North Area |
| Parking | 8 standard spaces 1 disabled space |

SURROUNDING PROPERTIES

The subject property is located on the southern edge of a commercial block on South Union Avenue, on the North-Western outskirts of University Park.

West of the subject property is Soluna Hair n Brows Studio, a locally owned beauty salon. East of the subject property lies Nature’s Brew, a well-known local restaurant, while directly North across South Union Avenue lies a bus stop.

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 C2-1 L-0-HPOZ, with a Neighborhood Office 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 (21-2397), the Los Angeles State Enterprise Zone (21-2374), within the boundaries of the Empowerment Congress North Neighborhood Council, within the service boundaries of Fire Station No. 15 and the Southwest Division of the Los Angeles Police Department.

Please see enclosed vicinity map and photo exhibit for additional graphical representation.

CIRCULATION

South Union Avenue is a major thoroughfare throughout the heart of the City of Los Angeles. While private vehicular traffic dominates the area, it is fully served by public transportation, including a bus stop across Union Avenue, North of the subject property and a bus stop West of the subject property across South Union Avenue on the same block. All the streets in the area are improved with curbs, gutters, and sidewalks. Street parking abounds in the immediate area.

GENERAL CONDITIONAL USE FINDINGS

i. That 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 establishment is located on a dense street surrounded by a mix of retail, restaurant, and commercial use. The subject property is an existing restaurant called Ebaes and has been well received by the public since opening in 2014.

As Sky's Gourmet Tacos is located on the outskirts of Downtown with bustling foot and vehicular traffic, the nearby residents and retail consumers have continued to prove to be loyal patrons.

It is commonly understood that within the food industry that customers appreciate alcoholic beverage service when choosing a restaurant to dine in. At Ebaes, the availability of beer and wine is not the focal point of the business but rather an enhancement for our patrons' dining experience and is expected in a high-quality restaurant. Given the above, the approval of the CUB request will not only enhance the restaurant but will perform a function that is beneficial to the local community as well.

ii. That 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 project's location, size, height, and operations will be compatible with the immediate neighborhood since this is an existing restaurant.

Built in 1902, the building has become a familiar part of the local urban fabric and the aesthetic improvements brought with the opening of the restaurant in 2014 has arguably increased its aesthetic appeal for the community.

The subject property is surrounded by both commercial and residential uses. The subject property has 9 total parking stalls but with the abound street parking, there should not be impact from patrons parking on nearby residential streets. It can therefore be established that due to its continuation of use within an existing neighborhood, the project will be compatible with, and will not adversely affect the surrounding properties.

iii. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable 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. With the CUB requests described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

Similarly, the South Los Angeles Community Plan sets forth planning goals and objectives to maintain the community's distinctive character by:

- Enhancing the positive characteristics of residential neighborhoods while providing a variety of housing opportunities.
- Improving the function, design and economic vitality of commercial areas.
- Preserving and enhancing the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance.
- Maximizing development opportunities around existing and future transit systems while minimizing adverse impacts.
- Preserving and strengthening commercial developments to provide a diverse job-producing economic base.
- Improving the quality of the built environment through design guidelines, streetscape improvements, and other physical improvements which enhance the appearance of the community

The existing restaurant is located in an area with rich public transportation options, is aesthetically pleasing from the street and sidewalk, and its continued use as a neighborhood-serving, job-creating restaurant substantially conforms with the purpose, intent and provisions of the City of Los Angeles and South Los Angeles Community Plan.

ADDITIONAL FINDINGS

- i. *Explain how the proposed use will not adversely affect the welfare of the pertinent community.*

The applicant is an established restaurant operator who is respectful of the spirit and intent of local regulations guiding eating establishments and the serving of alcohol. The continuance of alcohol does not change the overall nature of the business, which is first and foremost a restaurant. In addition, the subject location is situated in on a commercial use building. A restaurant not only complements this use, it is also a desired amenity for local residents and workers. The proposal is for a full-service restaurant and neither live entertainment nor patron dancing are requested. This, in turn, assures a use which is convenient to patrons, respects the welfare of the community, and furthers the goals of the Community Plan.

- ii. *Explain how the approval of the application will not result in or contribute to an undue concentration of such establishments*

South Union Avenue is a bustling street with a range of retail and restaurants. The intensity of commercial development and the existence of residential buildings in the area will help the demand for future alcoholic licenses issued within the census tract (5 per CA ABC). It is worth noting that ABC criteria allows for this type of scenario, which is typical of areas that attract large numbers of people who hail from outside the census tract.

With the economic recession, there is a need for alcohol services to be offered in conjunction with existing restaurants. This will allow the restaurants to offer comparable amenities to other restaurants who are currently serving alcohol.

The ABC establishes the allotted number of licenses per census tract by population and cannot take into account these other crucial neighborhood specific factors; however, they do continue to approve new licenses in these types of areas due to those circumstances mentioned above.

- iii. *Explain how the approval of the application will not detrimentally affect nearby residential zones or uses.*

The approval of the conditional use request will not adversely affect the welfare of the community. The subject property is zoned for commercial uses and will be continued to be utilized as such with the proposed addition of a restaurant with on-site service of beer and wine sales. 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 area in which the subject property is located has been favored by local residents for its proximity to public transit, shops, and particularly amenities such as restaurants. It is anticipated that local residents and business commuters will appreciate the convenience of this

establishment, with restaurant patrons reporting that that they have been happy to have a new dining option in their area.

QUESTIONS REGARDING THE PHYSICAL DEVELOPMENT OF THE SITE

a. *What is the total square footage of the building or center the establishment is located in?*
The building is approximately 5,205.2 square feet.

b. *What is the total square footage of the space the establishment will occupy?*

The restaurant occupies 1,340 square feet.

c. *What is the total occupancy load of the space as determined by the Fire Department?*

N/A

d. *What is the total number of seats that will be provided indoors? Outdoors?*

There are 44 seats indoors.

e. *If there is an outdoor area, will there be an option to consume alcohol outdoors?*

No.

f. *If there is an outdoor area, is it on private property or the public right-of-way, or both?*

N/A

i. *If an outdoor area is on the public right-of-way, has a revocable permit been obtained?*

N/A.

g. *Are you adding floor area? If yes, how much is enclosed? Outdoors?*

No.

h. *Parking*

i. *How many parking spaces are available on the site?*

There are 9 on-site parking stalls, including 1 disabled space.

ii. *Are they shared or designated for the subject use?*

Stalls are designated for the subject property.

iii. *If you are adding floor area, what is the parking requirement as determined by the Department of Building & Safety?*

No additional floor area is proposed.

iv. *Have any arrangements been made to provide parking off-site?*

No.

1. *If yes, is the parking secured via a private lease or a covenant/affidavit approved by the Department of Building & Safety? Note: Required parking must be secured via a covenant pursuant to LAMC 12.26 E 5. A private lease is only permitted by a Zone Variance.*

N/A.

2. *Please provide a map showing the location of the off-site parking and the distance, in feet, for pedestrian travel between the parking area the use it is to serve.*

N/A.

3. *Will valet service be available? Will the service be for a charge?*

No valet service is proposed at this time.

h. *Is the site within 1,000 feet of any schools (public, private or nursery schools), churches or parks?*

Please see attached radius maps.

j. *For massage parlors and sexual encounter establishments, is the site within 1,000 feet of any other Adult Entertainment Businesses as defined by LAMC 12.70 B17?*

N/A.

QUESTIONS REGARDING THE OPERATION OF THE ESTABLISHMENT

a. *What are the proposed hours of operation and which days of the week will the establishment be open and Proposed Hours of Alcohol Sales?*

Hours of operation are to be 11:00 am to 11:00 pm Sunday to Wednesday, 11:00 am to 12:00 am midnight Thursday to Saturday.

b. Will there be entertainment such as a piano bar, dancing, live entertainment, movies, karaoke, video game machines, etc...? Please specify: Note: An establishment that allows for dancing needs a conditional use pursuant to 12.24 W.18.

No.

c. Will there be minimum age requirements for entry? If yes, what is the minimum age requirement and how will it be enforced?

No. This is a bona-fide eating establishment.

d. Will there be any accessory retail uses on the site? What will be sold?

There is no accessory retail use proposed or planned.

e. Security

i. How many employees will you have on the site at any given time?

There will be approximately 2-4 employees on-site at any given time. The applicant owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control.

All employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. In the event there is a change in the licensee, within one year of such change, this training program shall be required for all staff.

ii. Will security guards be provided on-site?

No.

1. If yes, how many and when?

N/A

iii. Has LAPD issued any citations or violations? If yes, please provide copies.

No.

f. Alcohol

i. Will there be beer & wine only, or a full-line of alcoholic beverages available?

Beer and wine only.

ii. Will "fortified" wine (greater than 16% alcohol) be sold?

No.

iii. Will alcohol be consumed on any adjacent property under the control of the applicant?

No.

iv. Will there be signs visible from the exterior that advertise the availability of alcohol?

No.

v. Food

1. Will there be a kitchen on the site?

Yes.

2. Will alcohol be sold without a food order?

No.

3. Will the sale of alcohol exceed the sale of food items on a quarterly basis?

No.

4. Provide a copy of the menu if food is to be served.

See attached.

vi. On-Site

1. Will a bar or cocktail lounge be maintained incidental to a restaurant?

No.

a. If yes, the floor plans must show the details of the cocktail lounge and the separation between the dining and lounge facilities.

N/A

2. Will off-site sales of alcohol be provided accessory to on-site sales ("Take Out")?

No.

3. Will discounted alcoholic drinks ("Happy Hour") be offered at any time?

No.

vii. Off-Site

1. Will cups, glasses or other containers be sold which might be used for the consumption of alcohol on the premises?

No.

2. Will beer or wine coolers be sold in single cans, or will wine be sold in containers less than 1 liter (750 ml)?

No.

viii. Contact the CA Department of Alcoholic Beverage Control (ABC) regarding its requirements.

CALDERA BILL (CA Business and Professions Code Section 23958 and 23958.4)

a. Is this application a request for on-site or off-site sales of alcoholic beverages?

On-site

i. If yes, is the establishment a bona-fide eating place (restaurant) or hotel/motel?

Yes, this is a bona-fide eating establishment.