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planning.lacity.org

Decision Date: December 26, 2023

Appeal Period Ends: January 10, 2024

David Kuo (A)  
Fatty Ventana, LLC  
7748 Santa Monica Boulevard  
West Hollywood, CA 90046

KLS Enterprises, LLC (O)  
10052 Garvey Avenue  
El Monte, CA 91733

Gary Benjamin (R)  
Alchemy Planning + Land Use  
4470 West Sunset Boulevard  
Los Angeles, CA 90027

CASE NO. ZA-2023-1577-CUB  
CONDITIONAL USE - ALCOHOL  
1401-1413 North Main Street  
Central City North Community Plan  
Zone: UI(CA)  
C.D: 1  
D.M.: 135A217  
CEQA: ENV-2023-1578-CE  
Legal Description: Lot FR11 & Lot 12 (Arb  
2), Block 3, New Depot 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; and

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

a conditional use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and the sale of beer and wine for off-site consumption, in conjunction with a proposed restaurant, market, and coffee bar in the UI(CA) 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 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 the case file.
7. **Authorization.** Approved herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption, and the sale of beer and wine for off-site consumption, in conjunction with a proposed approximately 7,850 square-foot restaurant, market, and coffee bar with an uncovered 581 square-foot outdoor seating area, as well as an uncovered 911 square-foot sidewalk seating area, upon the following:
  - a. Indoor seating shall be limited to a maximum of 293 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
  - b. Outdoor seating shall be limited to a maximum of 20 seats in the area described as "Exterior Garden Dining" on Exhibit A. The number of seats shall

not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.

- c. Outdoor seating in the public right-of-way shall be limited to a maximum of 117 seats. A Revocable Permit from the Bureau of Engineering, Department of Public Works is required for the outdoor dining located in the public right-of-way. The final number of seats and their location may be modified by said agency in order to provide accessibility and required clearances from existing structures. A copy of the approved Revocable Permit, including a plot plan and any conditions thereto, shall be provided to the Department of City Planning prior to placing any seating in the public right of way as permitted by this grant.
  - d. The maximum number of patrons within the restaurant, market, and coffee bar shall be limited to the number of authorized seats; no standing-only patrons shall be allowed. This does not preclude patrons standing within the wait area who have not yet been seated.
  - e. For indoor areas, the hours of operation are limited to 6 a.m. to 2 a.m. daily.
  - f. For outdoor areas, the hours of operation are limited to 6 a.m. to 12:00 a.m. (midnight) daily.
  - g. The portion of the market sales floor for off-site alcohol sales shall be limited to the 13-foot alcohol sale rack as depicted on Exhibit A. No other portions of the market sales floor shall be used for off-site alcohol sales.
  - h. After hour use shall be prohibited, except for routine clean-up. This includes, but is not limited to private or promotional events, or special events, excluding any activities which are issued film permits by the City.
8. **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 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.

9. **Private Events.** Any use of the facility for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.

The premises shall not be used exclusively for private parties in which the general public is excluded.

10. **STAR/LEAD 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.
11. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a “Designated Driver Program” which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, on the bathrooms, or in a statement in the menus.
12. An electronic age verification device shall be purchased and retained on the premises available to determine the age of any individual and shall be installed at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
13. Upon receipt of any violations issued by any City department or other public jurisdictions relating to such operation’s alcohol service, the applicant shall submit a copy of the violation, within five business days, to the Development Services Center, Department of City Planning, for inclusion in the administrative case file.
14. Any music, sound or noise which is under control of the applicant shall not violate 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.
15. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
16. There shall be no live entertainment on the premises other than live band and DJ in indoor areas. There shall be no karaoke, topless entertainment, performers, or fashion shows. There shall be no live entertainment in outdoor areas.
17. Entertainment in conjunction with the restaurant is limited to live band, DJ, and ambient background music to compliment the dining experience, none of which shall be audible beyond the premises.

18. 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.
19. 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.
20. The establishment shall be maintained as a market and a bona fide eating place (restaurant) with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises and not solely for the purpose of food takeout or delivery.
21. Within three months of the market becoming operational, the applicant shall submit to the case file photographic evidence and a written description of the market items for sale for the local, low-income community members living in the William Mead Homes public housing complex across the street.
22. Trash pick-up and compacting, as well as loading, unloading, and receiving activities shall be limited to 7 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 4 p.m. on Saturday. No deliveries or trash pick-up shall occur on Sunday. No loading or unloading of deliveries shall be permitted along Main Street. Deliveries and trash pick-up shall be coordinated with vendors and trash companies so that these activities are not conducted within one hour of the start time of the school at 126 E Bloom Street or within one hour of the end time of regular school hours (at the time of the issuance of the Letter of Determination, the school at 126 E Bloom Street is Ann Street Elementary School).
23. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility that restrict, limit or obstruct the clear observation of the occupants.
24. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
25. Adequate lighting shall be installed and maintained in all areas within the business in conformance with the LAMC. The lighting shall be such that it renders all objects and persons clearly visible.
26. 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.

27. The exterior windows and glass doors of the restaurant and market shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height so as to permit surveillance into the restaurant by Police and private security.
28. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk, free of debris or litter.
29. Loitering is prohibited on or around these premises and the area under the control of the applicant. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating that California State law prohibits sale of alcoholic beverages to persons who are under 21 years of age. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility in the same language(s).
30. 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.
31. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
32. No employee or agent shall be permitted to accept money or any other item of value from a customer for the purpose of sitting or otherwise spending time with the customers while on the premises. No patrons shall be made available to act as escorts, companions, or guests of customers. Employees shall not be allowed to solicit or accept any alcoholic or non-alcoholic beverage from any customers in the premises.
33. 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.
34. The applicant(s) shall comply with Section 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.
35. The applicant/business operator/manager 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.
36. 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, the Department of Building and Safety, the Department of City

Planning, or other responsible agencies. The on-site Manager and employees shall be knowledgeable of the conditions herein.

37. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. 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 subject premises and the facility to discourage illegal and criminal activities and any exterior area, including accessory parking areas, over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism, and truancy occur.
38. The applicant/business operator/manager shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially noise derived from patrons during entry and exiting.
39. The applicant/business operator/manager shall retain full control of all events within the subject premises. The premises shall not sublet to outside promoters or to any third parties for private parties or special events.
40. The establishment shall not be leased or contracted out to third party promoters that will require a cover charge or prepayment for admission to the establishment for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public.
41. The applicant/operator may host private parties or events where a fixed number of customers is predetermined and does not exceed the seating capacity or maximum occupancy approved by the Fire Department. The conduct of the business during any private parties shall be under the direct control of the business owner/operator and restaurant management staff shall be present during private parties. The person responsible for the private party or event shall be provided with a copy of the conditions of this grant and the language below or similar language shall be included in the contract related to any private party or event. Prior to the utilization of this grant, the Applicant shall provide a copy of its standard contract related to private parties or events to the Department of City Planning for inclusion in the case file.

*The total number of guests shall not exceed the maximum occupancy determined by the Fire Department. Restaurant management staff shall be present during the private party or event. The City's conditions of approval imposed on the operation of the establishment by Case No. ZA-2023-1577-CUB, which permits the sale and dispensation of a full line of alcoholic beverages for on-site consumption, shall be observed at all times during the private party or event.*

42. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC 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.
43. Should there be a change in the ownership and/or the operator of the business, the property owner and/or 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 Development Services Center, 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 Development Services Center, Department of City Planning, within 30 days of the beginning day of the 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.
44. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval. The application, in association with the appropriate fees, shall be submitted to the Development Services Center, Department of City Planning, within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.
45. 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 their own initiative, or upon written request by LAPD



or Department of ABC) reserves the right to call for a public hearing, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall file for a plan approval application together with associated fees, 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, the Los Angeles Police Department's corresponding division, and the local Neighborhood Council. 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.

46. The applicant shall file a Plan Approval application no sooner than 30 months but within 36 months from the operational date of this determination. The operational date of this determination shall be identified and confirmed by the Department of City Planning. The Plan Approval application shall be subject to filing fees established by the Los Angeles Municipal Code Section 19.01 E. A public hearing shall be conducted subject to notification requirements established by the Los Angeles Municipal Code Section 12.24 D. The purpose of the Plan Approval is to review the effectiveness of, and compliance with the express terms of the Conditions of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete, or add new ones as appropriate and require a subsequent plan approval, as necessary.

47. **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 (b).

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall 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.

**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 September 12, 2023, 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 have been established by the following facts:

**BACKGROUND**

The subject property is a level, rectangular-shaped corner lot, approximately 9,464 square-foot in size with an approximately 65-foot frontage on the northeast side of Ann Street and an approximately 144-foot frontage on the northwest side of Main Street. The property is constructed with a single-story building constructed circa 1926 and totaling approximately 5,656 square feet. There is no parking on site.

The property is located within the Central City North Community Plan Area. The Community Plan Area Map designates the subject property for Hybrid Industrial land uses and is zoned UI(CA). The property is further located within a General Restaurant Beverage Program Eligible Area, Transit Priority Area (ZI-2452), East Los Angeles State Enterprise Zone (ZI-2452), Adaptive Reuse Incentive Area, an Urban Agriculture Incentive Zone, and is within the Upper Elysian Park fault zone.

The applicant applied for conditional use authorization to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and the sale of beer and wine for off-site consumption in conjunction with a proposed approximately 7,850 square-foot restaurant with market and coffee bar, with an uncovered 581 square-foot outdoor seating area, as well as an uncovered 911 square-foot sidewalk seating area, with limited live entertainment and hours of operation from 6 a.m. to 2 a.m. daily.

### **Surrounding properties**

The western, northwestern, and northeastern adjoining properties are zoned UI(CA) and developed with one- and two-story light industrial buildings. The southern and southeastern properties (across Main Street) are zoned UV(CA) and developed with LA City Housing Authority William Mead Homes and an elementary school.

### **Streets**

Main Street, adjoining the subject property to the southeast, is a designated Avenue II, dedicated to a right-of-way width of 86 feet and improved with asphalt roadway, concrete curb, and sidewalk.

Ann Street, adjoining the subject property to the southwest, is a designated Modified Local Street - Standard, dedicated to a right-of-way width of 60 feet and improved with asphalt roadway, concrete curb, and sidewalk.

### **Previous Cases, Affidavits, and Orders**

#### **Subject Property:**

No relevant cases, affidavits, or orders were found on the subject property.

#### **Surrounding Properties:**

Staff utilized a 1000-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with the sales and dispensing of alcoholic beverages. The following relevant cases were filed within the last 10 years and identified as being within 1,000 feet of the project site:

Case No. ZA-2016-2705-CUB – On January 26, 2017, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of beer and wine for on-site and off-site consumption in conjunction with a proposed micro-brewery/restaurant in the UI(CA), located at 1220 Spring Street.

**PUBLIC HEARING**

A Notice of Public Hearing was sent to property owners and occupants residing within 500 feet of the subject site, for which an application was filed with the Department of City Planning. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. All interested persons were invited to attend the public hearing where they could listen, ask questions, and present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The hearing was held on September 12, 2023 at approximately 9:00 a.m. The hearing was conducted by Zoom and telephonically. The following testimony was received at the hearing:

**Gary Benjamin, Alchemy Planning, representative:**

- The project is Juntos Market in Chinatown
- It is in the Urban Innovation Zone of CASP
- Project involves the conversion of one 1926 masonry building
- The lots to the east are vacant
- There is architectural integrity, but it is not well maintained
- The use would be a restaurant and market
- Theme of Juntos (Together) inspired after racial divisiveness among the City Council last year
- Diego Torres-Palma from Peru would be the owner
- Will collaborate with Chef David Ko
- Would provide Latino community products for the market
- Outdoor grill
- Inspirational images
- Colorful; fun and vibrant restaurant
- Acceptance of EBT
- Tacos in \$2-\$4 price range; offerings like burritos more affordable
- Local hiring is sought
- Letters submitted to the file in support
- Met with Council Office and staff from HACLA
- LAPD agree it is a net positive
- 52 letters to the file from different individuals
- Council Office on the call
- Neighborhood Council did not take an official vote
- LAPD asked to come back and re-visit after Neighborhood Council

**Helen Campbell, Council District 1:**

- In the next 10 days can issue a letter
- Wendy Castro is getting the public comment
- Concerns about displacement and gentrification from the community
- Owners have made some changes after meeting with residents

- EBT to serve low income residents
- Local hiring
- Changed menu and dropping price points
- Offering drip coffee to be cheaper

Alexander Soto, resident of Llewellyn:

- Currently there are only two places you can eat in the area, Cargo and Nick's, and they have restricted hours
- A fan of the project; they will have coffee and a restaurant

Sergio Cuculiza:

- The project sounds great
- That corner has been abandoned
- It is exciting for the growth of the area
- The design looks cool too

Evan Jurgensen, lives on Llewellyn:

- Building has been vacant
- Will be great to see building activated again

Wendy Castro, Council District 1:

- About 20 residents and community members would like to speak

Frances Garcia:

- Have lived here for 30 years
- Wants to keep living here in peace
- Has children
- Not in favor of alcohol sales
- William Mead resident
- Want market to carry items
- Not in favor of project

Xochitl Manzanilla:

- William Mead resident
- Not in favor of project
- Strongly oppose project
- Two businesses who sell alcohol already nearby
- This is a low-income community; not very convenient
- Selling alcohol is worse for us

- Have a school with many children
- Want to be safe in this community

Jose Lepe

- Resident of William Mead
- Do not agree with alcohol sales in the community
- Alcohol bringing a lot of problems to the community
- Not a lot of supermarkets, but not a lot of control
- Very disorganized

Manuel Martinez:

- Resident here and don't want restaurant that sells alcohol
- Close by there are alcohol sales
- Causes drunkenness and disruption

Juana Noreiga

- 36 years resident
- School nearby; shouldn't be legal
- Look at past issues when last location was allowed to have alcohol
- Problems come along with alcohol
- People lighting fires in the area
- How are we going to stop the issues if this is allowed?

Peter Gonzalez, lives with mother who has been here for 20 years:

- There are two bars already
- Noise at night from the bars
- Parking issue; parking spaces taken away
- Homeless people sleeping in front door of residence

Lorenzo Hernandez:

- Not welcome
- Asking for trouble
- Wanted permission for market, but is now more of a bar than a market
- Against it

Socorro Lugo:

- Not in favor of liquor license since it is in front of school

Juan (Unknown) Cortez:

- Okay with Market
- Not the liquor though

Amparo Cabrera:

- Not in favor with sale of alcohol

Fidelina Figueroa:

- Do not agree with sale of alcohol if they sell alcohol there
- See a lot of elderly and kids here
- Healthiest thing for it to be just a market

Peter Gonzalez (same as previously)

- About 20 people here
- If you are going to have a market with expensive stuff, it won't be affordable for people living here

Tim Fargo, Associate Zoning Administrator:

- Informed the people commenting that they can also submit written comments

Vanessa Hernandez:

- William Mead Homes resident
- In favor of market, but not liquor
- Should be very limited in sales if they do have it

Wendy Castro, Council District 1:

- Request for a petition

Tim Fargo, Associate Zoning Administrator:

- It is okay and will give enough time to submit it

Judy Wong, Community Organizer

- Plan does not meet the needs of the community
- Opposed to market and alcohol license
- Can't trust the owner to sell products for community; sells expensive ramen
- In 2019 lost the last full-scale grocery market
- Don't know if they would do the market if didn't have alcohol sales



- Hold record open
- Concern over rescheduled hearing from August

Tim Fargo, Associate Zoning Administrator:

- Three weeks to leave record open: October 3, 2023
- Will check with the project planner on the hearing notification

Wendy Castro, Council District 1:

- Some residents received flyer by CD 1

Helen Campbell, Council District 1:

- Some confusion with the planner changing from Jaime Espinoza to Alan Como

Fernanda Sanchez, Lincoln Heights Neighborhood Council:

- Lack of language interpreter is problematic
- This is a historic area that does not have English
- Lack of outreach
- Opposed to market and liquor license
- Upscale market and bar will not serve the community

Jack Cline:

- Business owner in community
- Apartment in the community
- Supportive of the project
- Excited to have it in the community
- Serves a need and a want in the community
- Appreciate developer's outreach, amazing design

Natalya Cappelina, construction company manager:

- Will bring jobs
- Construction and patronage
- This part of Chinatown has been neglected
- Something lively and cleaned up will be beneficial
- Supports bar, market, and restaurant

Tim Fargo, Associate Zoning Administrator:

- In addition to the comments received, please also address the project in relation to the Cornfield-Arroyo Seco Specific Plan.
- Also, please address the elementary school across the street.

Gary Benjamin, Alchemy Planning, representative:

- Not all alcohol service is the same
- Some liquor stores and bars can create a problem
- In conversations with LAPD, they see that this is a food-oriented establishment
- Ko has had no problems in ten years with his establishments
- Not the type of establishment that will result in neighborhood nuisance
- Main Street is a wide street, but the school is immediately to the south
- School administration was consulted
- There has been reckless driving, dirt bikes, and fires set in the area
- These kinds of activities thrive when there are vacant properties, as there are now
- Employees, customers, and vision on the surrounding area prevents negative activities from taking place, so it would be safer
- Outreach made clear that alcohol would be sold, as well as market
- Sent out letters on the type of establishment
- CASP plan passed a decade ago; attempt to move neighborhood to transit oriented
- Owner will lease parking next door to deal with parking
- This operator is not in the business of being solely a market
- Limitations due to Urban Innovation Zone
- Creation of a hub of jobs and economic activity
- Not an option for a full-scale grocery store due to CASP limitation
- Mar Vista location is a different location with a different clientele, so it will be different than what is seen there
- When one brings a desirable amenity, there is a risk that prices will rise
- Public housing, though, won't rise in price
- 415 units at William Mead
- Demonstrated support with letters submitted already
- Will create positive impact
- Working with job centers to hire from local community
- 90% will be from within a certain number of miles

**WRITTEN CORRESPONDENCE**In support:

The representative provided 29 letters of support from individuals associated with William Mead Homes dated from July 23, 2023 through August 1, 2023.

The representative provided 3 letters of support from individuals associated with Ann Street Elementary School dated from July 28, 2023 through July 31, 2023.

The representative provided 20 additional letters of support from other residents, businesses, and organizations dated from May 25, 2023 through August 10, 2023.

On October 2, 2023, the representative submitted 26 signatures from residents of the Llewellyn Apartments in support of the project. The representative emphasized that the team

behind Juntos Market has a strong record of responsible operation of businesses involving alcohol sales and service, and that they intend to maintain a collaborative spirit with neighbors.

An email in support of the project was received from a Llewellyn Apartments resident on October 3, 2023.

On October 3, 2023, Gary Benjamin sent an email providing an account from the applicant of the Historic Cultural North Neighborhood Council meeting on September 25, 2023 that differs from the letter sent by the Neighborhood Council.

In opposition:

Juni Wong, Community Organizer for Power LA, submitted a petition on October 3, 2023 containing 78 signatures. The petition voices concern about alcohol sales across the street from the Ann Street Elementary School and the residential community to the south. It also expresses desire for a full-service grocery store that sells Latino and Asian ingredients relevant to the community, rather than an upscale bar and restaurant.

Two emails opposed to the project were received from Luke Macdonald on October 2, 2023 and Jose Estrada on October 3, 2023.

The Historic Cultural North Neighborhood Council submitted a letter dated September 25, 2023 by email on October 2, 2023 expressing opposition in a vote of 9 yes, 4 no, 0 abstentions, and 1 recusal to the approval of the Conditional Use Permit, with a call for finding ways to attract businesses that support the needs of the community. Only a small portion of the building houses a market and much of that space is taken up by a coffee bar, deli bar, and alcohol storage. Comments at an August 29, 2023 meeting at William Mead Homes expressed concerns about late operating hours, noise impact on residents, and the impact of inebriated individuals loitering in the neighborhood after the restaurant closes.

On October 3, 2023, in response to the representative for the case, Phyllis Ling of the Historic Cultural North Neighborhood Council affirmed that the account in the letter dated September 25, 2023 was accurate, and that there had been another community impact statement on the agenda, with which the applicant may have been confused.

Helen Campbell, Planning Director for Council District No. 1, submitted an email and letter on October 13, 2023 recommending that the CUB request be denied. Campbell provided feedback to the Department regarding how to handle notifications when the project planner leaves the department. The letter from Councilmember Hernandez praised the development team for conducting outreach to the local community, ensuring the business would accept EBT cards, ensuring that meals and items in the market would be affordable and in keeping with the needs of low-income patrons, and addressing parking issues. However, the councilmember recommended denial due to overconcentration of alcohol-related uses, including two existing breweries (Homage Brewing and Highland Park Brewery), the site being located across the street from Ann Street Elementary School, a sensitive use, and opposition from neighborhood councils and community members.

**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:

- 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.
- Alcoholic beverage sales shall be accessory, ancillary, and subordinate to the primary restaurant use. At no time shall the restaurant be operated such that alcoholic beverage consumption becomes the primary use and/or focus of the establishment.
- The quarterly gross sales of alcohol shall not exceed the quarterly gross sales of food. The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.
- There shall be no minimum drink required of patrons. In addition, there shall be no sales of table(s) and/or seating where alcoholic beverages are in any way included in the sale cost of the seating.
- No "Happy Hour" type of reduced prices for alcoholic beverages shall be allowed at any time.
- A bartender, waitress or waiter shall conduct all alcoholic beverages service. No self-service of alcoholic beverages is permitted.
- Bottle and/or Table Service involving the distribution of distilled spirits, wine/champagne, "buckets" of beer, pitchers of beer, portable bars for the self-service of alcoholic beverages, or similar methods are prohibited.
- "All you can drink" sales and consumption are prohibited.
- No person under 21 years of age shall sell or deliver alcoholic beverages. No person under the age of 21 shall serve alcoholic beverages at a bar.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages 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.
- There shall be no sales, service, or consumption of an alcoholic beverage on any

sidewalk, parking lot area, or adjacent area under the control of the applicant that is not a part of the approved outdoor areas designated for such use on Exhibit A.

- Employees shall monitor all patrons on the premises for excess drunkenness.
- Operator and its personnel shall at all times maintain a policy of not serving obviously intoxicated patrons and taking preventative measure to help avert intoxication-related problems.
- No employee, while working, shall solicit or accept any alcoholic, non-alcoholic beverage, monetary compensation, or any other thing of value from any customer for the purpose of sitting with or otherwise spending time with customers while on the premises.
- The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.

### **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 and dispensing of a full line of alcoholic beverages for on-site consumption, and sale of beer and wine 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.

### **FINDINGS**

Following (in bold) 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 a level, rectangular-shaped corner lot, approximately 9,464 square-feet in size with an approximately 65-foot frontage on the northeast side of Ann Street and an approximately 144-foot frontage on the northwest side of Main Street. The property is constructed with a single-story building constructed circa 1926 and totaling approximately 5,656 square feet. There is no parking on site.

The western, northwestern, and northeastern adjoining properties are zoned UI(CA) and developed with one- and two-story light industrial buildings. The southern and southeastern properties (across Main Street) are zoned UV(CA) and developed with the LA City Housing Authority William Mead Homes and the Ann Street Elementary School.

The applicant applied for conditional use authorization to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption and the sale of beer and wine for off-site consumption in conjunction with a proposed

approximately 7,850 square-foot restaurant with market and coffee bar, with an uncovered 581 square-foot outdoor seating area, as well as an uncovered 911 square-foot sidewalk seating area, with limited live entertainment and hours of operation from 6 a.m. to 2 a.m. daily. The proposed project is approved as conditioned herein, with outdoor areas required to close at 12 a.m. (midnight) in recognition of potential noise impacts on nearby residences across the street.

Despite opposition from the Council Office and the Neighborhood Council, as well as approximately half of the community members in their letters and public hearing comments, the project as conditioned will provide a service that is beneficial to the community. The applicant was praised by Councilmember Hernandez for conducting outreach to the local community, ensuring that the business would accept EBT cards, providing meals and items in the market that are affordable and in keeping with the needs of low-income patrons, and addressing parking issues. Nevertheless, the Council Office still recommended denial. The Zoning Administrator has limited the amount of floor area dedicated to alcohol sales in part due to the concerns raised about overconcentration and the nearby residential and sensitive uses.

Within the concept of Los Juntos, as proposed, it is imperative that the applicant fairly and realistically includes the residents of the 415 units of low-income housing immediately across the street. With this in mind, the Zoning Administrator has limited the floor area dedicated to alcohol sales in the market and strongly encourages the applicant to dedicate this floor area to additional products that serve the local community. This is especially important since there is the potential for redevelopment of the William Mead Homes site that may result in many additional units of low-income housing. The applicant is strongly encouraged to meet with representatives of the William Mead community to determine what items would be most useful to community members for sale in the market. This meeting may be facilitated through the community organization that submitted a letter for the subject case, through another community organization, or through Council Office District 1.

The project is conditioned such that within three months of the market becoming operational, the applicant shall submit to the case file photographic evidence and a written description of the market items for sale for the local, low-income community members. Furthermore, the applicant is required to return for a Plan Approval within 36 months in order to ascertain compliance with conditions, and to further establish whether the ongoing use is compatible with the surrounding neighborhood. Future Zoning Administrators assessing compliance are encouraged in particular to assess compatibility with William Mead Homes as well as the Ann Street Elementary School directly across Main Street.

The development in the area presently caters to a variety of needs and serves a mixture of residential, office, and commercial uses, as well as visitors. The restaurant, market, and coffee bar use, offering a full line of alcoholic beverages for on-site consumption, and beer and wine for off-site consumption, will be a contributing part of that mix. Many community members emphasized the importance of the activation of this site, which is currently vacant, and the benefit to having additional food options available in the community. Bringing an active business into an area with vacant

storefronts will increase the eyes on the street and will promote increased safety. Compliance with the conditions of operation will minimize the potential for disruptive impacts on the surrounding community. Additionally, there will be conditions imposed by the State Department of Alcoholic Beverage Control to ensure that the service of alcohol is not disruptive to the community.

The restaurant, market, and coffee bar will contribute to the economic welfare of the community and will draw more customers to the area. However, it is important that the business maintains awareness of their location and maintains sensitivity to the residential and education uses across Main Street. The restaurant, market, and coffee bar will provide a dining option for residents and employees of the immediate area as well as visitors looking for greater dining options. The applicant is strongly encouraged to follow through with their stated intentions to provide coffee, foods, and items in the marketplace that are affordable to the low-income community members that will be their neighbors. The applicant is also encouraged to follow through with their intention to utilize local hire to further integrate the business into the surrounding community.

Through the approval of this request, the restaurant, market, and coffee bar will serve the surrounding neighborhood as well as contribute to the collection of tax revenue, increased employment opportunities, and the cultural character of the community. Therefore, as conditioned, the project will provide a service that is beneficial to the community, city, and region.

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 project involves the conversion of an existing 5,903 square-foot retail and manufacturing building, as well as a 2,522 square-foot addition. As described in Finding No. 1, the emphasis of the business will be on food service in conjunction with a restaurant and market, including the sale and on-site consumption of a full line of alcohol and the off-site sale of beer and wine. In addition to standard conditions, conditions have been adopted to ensure that the mode and character of the restaurant, market, and coffee bar will operate such that it will be compatible with and will not adversely affect adjacent properties. For example, outdoor areas are required to close at 12 a.m. (midnight) in recognition of potential noise impacts on nearby residences across the street. This is important since the residences to the south of the project site are located only approximately 120 feet away.

The grant authorized herein incorporates conditions that represent limitations on the type of activity that is allowed to be conducted on the site, as well as explicit advisories about the responsibilities of the applicant. Furthermore, conditions have been imposed to delineate steps to be taken if the operation of the restaurant, market, and coffee bar is found to be noncompliant with these conditions. The applicant is required to return for a Plan Approval within 36 months in order to ascertain

compliance with conditions and to further establish whether the ongoing use is compatible with the surrounding neighborhood, as explained in Finding No. 1.

Additionally, there will be conditions imposed by the State Department of Alcoholic Beverage Control to ensure that the service of alcohol is not disruptive to the community. Therefore, based on the facts herein and in conjunction with the imposition of operational conditions, 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.

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

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Central City North Community Plan area. The associated General Plan Land Use Map designates the property for Hybrid Industrial land uses and is zoned UI(CA). The property's zoning is thus consistent with the General Plan's land use designation for the site.

The Central City North Community Plan and the Cornfield Arroyo Specific Plan text are silent with regards to the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plans. The project is consistent with the following goals and policies of the Community Plan:

**GOAL 2:** *A strong and competitive commercial sector which best serves the needs of the community through maximum efficiency and accessibility while preserving the historic commercial and cultural character of the district.*

**Objective 2-1:** *To conserve and strengthen viable commercial development in the community and additional opportunities for new commercial development and services.*

**Policy 2-1.3:** *Ensure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

As described in Finding Nos. 1 and 2, the project conserves an existing building constructed circa 1926, and conditions have been adopted as a part of this determination to minimize the potential of this restaurant and market from becoming



incompatible with its surroundings. The project is conditioned to support the needs of local residents and to be compatible with the neighborhood. This will strengthen commercial development in the Community Plan area while preserving historic character.

The purposes of the Cornfield Arroyo Specific Plan include the following:

*1.1 B.2. Transform an underserved and neglected vehicular-oriented and public facility area into a cluster of mixed-use, pedestrian-oriented and aesthetically pleasing neighborhoods.*

*1.1 B.6. Maintain and enhance the concentration of jobs, in both the public and private sectors.*

*1.1 B.8. Provide shops and services for everyday needs, including groceries, day care, cafes and restaurants, banks and drug stores, within an easy walk from home or work.*

*1.1 B.10. Lessen dependence on automobiles, and thereby reduce vehicle emissions, while enhancing the personal health of residents, employees and visitors.*

*1.1 B.11. Provide "eyes on the street" to create a safe and stable community and to encourage interaction and identity.*

*1.1 B.12. Respect historically significant buildings, including massing and scale, while at the same time encouraging innovative architectural design that expresses the identity of contemporary urban Los Angeles.*

*1.1 B.14. Provide places for people to socialize, including parks, sidewalks, courtyards and plazas that are combined with shops and services.*

The proposed project will serve the above purposes by renovating a vacant building into an attractive restaurant and market use, maintaining the historic character and helping to create an aesthetically-pleasing, pedestrian-oriented neighborhood, while contributing to the growing mixed-use district of residential buildings, work centers, and commercial amenities.

The project will create additional jobs for local residents and will provide convenient access to grocery products and a restaurant within an easy walk from home or work. The project will also provide eyes on the street that will encourage neighborhood safety, rather than the current vacant building that bolsters nuisance activity, as described in comments during the public hearing. The active restaurant and market uses will also encourage neighbor interaction and help to promote a sense of identity. The project is in line with the type of use and activity that the Cornfield Arroyo Seco Specific Plan intends for the area, and conforms with the Plan's purpose, intent, and provisions. In summary and as conditioned, the project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable Community Plan, and the Cornfield Arroyo Seco Specific Plan.

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

As discussed in Finding Nos. 1 and 2, and given the scope of the conditions and limitations established herein, the surrounding land uses are not expected to be adversely affected by the sale of a full line of alcohol for on-site consumption and the off-site sale of beer and wine at the subject restaurant and market.

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 deterrents against loitering and promoting responsible management. Employees will undergo training on the sale of alcohol including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter, and noise prevention will safeguard the surrounding residential and sensitive uses.

With compliance with the imposed conditions, the sale of a full line of alcohol for on-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety. Additionally, the State of California's Department of Alcoholic Beverage Control will impose conditions as deemed necessary for alcohol sale and consumption, as the City has no jurisdiction to otherwise mandate said conditions. As an additional safeguard, given the feedback of the community and Neighborhood Council, the Zoning Administrator has required a Plan Approval within 36 months to assess compliance with conditions and to decide whether any conditions should be added or removed at that time. Thus, as conditioned, it can be found that the proposed use, including the sale and dispensing of alcohol will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California State Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-site and two off-site licenses are allocated to the subject Census Tract 2060.10. Currently there are 17 active on-site licenses and zero active off-site licenses in this Census Tract.

According to information submitted by the applicant, within 1,000 feet of the subject site, the following establishments have an ABC license:

<b>Alcohol Establishment</b>	<b>License Type</b>	<b>Address</b>
Highland Park Brewery	Off-site – Full Line	1220 North Spring Street
Homage Brewing	On-site – Beer & Wine	1219 North Main Street
Cargo Snack Shack	On-site – Full Line	1279 North Spring Street

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 118, which has jurisdiction over the subject property, a total of 215 crimes were reported in 2022 (193 Part I Crimes and 22 Part II Arrests), compared to the Citywide Average of 156 crimes and the High Crime Reporting District Average of 187 crimes. Part II Arrests reported include (1) Narcotics, (0) Liquor Laws, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, and (2) DUI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Concentration can be undue when the addition of a license will negatively impact a neighborhood. 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 number of active on-site ABC licenses within the census tract where the subject site is located exceeds the ABC guidelines. However, in active commercial areas where there is a demand for licenses beyond the allocated number, the ABC has recognized that high-activity retail and commercial centers are supported by a significant employee population, in addition to the resident population base in the area. ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents.

The above crime statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the citywide average. However, no evidence has been submitted to the record establishing any nexus between the subject site or use and the area’s crime rate.

Nevertheless, to safeguard the welfare of the community and provide for a reasonable operation, conditions have been imposed as a part of this approval. Negative impacts commonly associated with the availability of alcohol such as criminal activity, public drunkenness, and loitering are minimized through compliance with public safety measures to mitigate nuisance and criminal activities, such as participation in a STAR/LEAD/RBS Training Program, age verification, security cameras, and staff monitoring, which have been incorporated into the grant by the Zoning Administrator to assure better oversight in conjunction with this approval. The ABC also has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. These imposed conditions are a necessary and integral part of this action and requires diligent compliance on the part of the applicant for effectiveness.

The Zoning Administrator has imposed a restriction on the amount of floor area in the market for alcohol sales in recognition of the concern expressed by the Council Office and community members regarding overconcentration and in order to better serve

the stated needs of the local residential community. A Plan Approval has also been required to assess compliance with conditions. Therefore, given the above, and as conditioned, the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages in the area of the City involved.

- 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 a full line of alcoholic beverages.**

According to information submitted by the applicant, in addition to surrounding residential uses, the following sensitive uses are located within a 1,000-foot radius of the site:

<b>Schools/Day Care</b>	
Foundation for Early Childhood Education	120 Leroy Street
Ann Street Elementary School	126 Bloom Street
<b>Religious Institutions</b>	
N/A	N/A
<b>Hospitals</b>	
N/A	N/A
<b>Parks and Recreation</b>	
Boys and Girls Club William Mead	1300 Cardinal Street
Los Angeles State Historic Park	1245 North Spring Street
Los Angeles Conservation Corp	126 Bloom Street
Akido Center of Los Angeles	1211 North Main Street

Three individuals associated with the Ann Street Elementary School submitted letters in support of the project. No other communication or testimony has been received from anyone associated with the other identified sensitive uses.

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. As discussed in previous findings, a limit on outdoor hours of operation has been imposed out of sensitivity to the residential uses to the south regarding potential noise impacts. 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. Numerous conditions have been incorporated into this grant to minimize the potential for adverse effects on the community. This project will contribute to the neighborhood and will serve the neighboring residents and the local employees as well as visitors. Additionally, a Plan Approval in 36 months has been required to assess compliance with conditions and whether there are any negative impacts from the sale of alcoholic beverages that need to be addressed through further refined conditions. Therefore, for the reasons given, the proposed use will not detrimentally affect nearby residential

communities or sensitive uses in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, schools, similar uses, and other establishments in the dispensing, for sale or other consideration, alcoholic beverages.

### **ADDITIONAL FINDING**

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 in Zone X, areas of minimal flood hazard.

### **APPEAL PERIOD - EFFECTIVE DATE**

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

**Online Application System (OAS):** The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

**Drop off at DSC.** Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC  
(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012  
planning.figcounter@lacity.org

Van Nuys DSC  
(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401  
planning.mbc2@lacity.org

West Los Angeles DSC  
(CURRENTLY CLOSED)  
(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025  
planning.westla@lacity.org

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

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.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal ([appointments.lacity.org](http://appointments.lacity.org)). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to  
Online Appeal  
Filing



QR Code to  
Forms for In-  
Person Appeal  
Filing



QR Code to  
BuildLA  
Appointment  
Portal for  
Condition  
Clearance

Inquiries regarding the matter shall be directed to Alan Como, Planning Staff for the Department of City Planning at (213) 847-3633 or [alan.como@lacity.org](mailto:alan.como@lacity.org).

TIM FARGO  
Associate Zoning Administrator

TF:CS:JE:nm

cc: Councilmember Eunisses Hernandez  
First District  
Adjacent Property Owners  
Interested Parties





JUNTOS MARKET  
1401 N MAIN ST, LOS ANGELES, CA

SCHEMATIC DESIGN

VENTANA VENTURES  
7748 SANTA MONICA BLVD  
WEST HOLLYWOOD, CA

REVISIONS

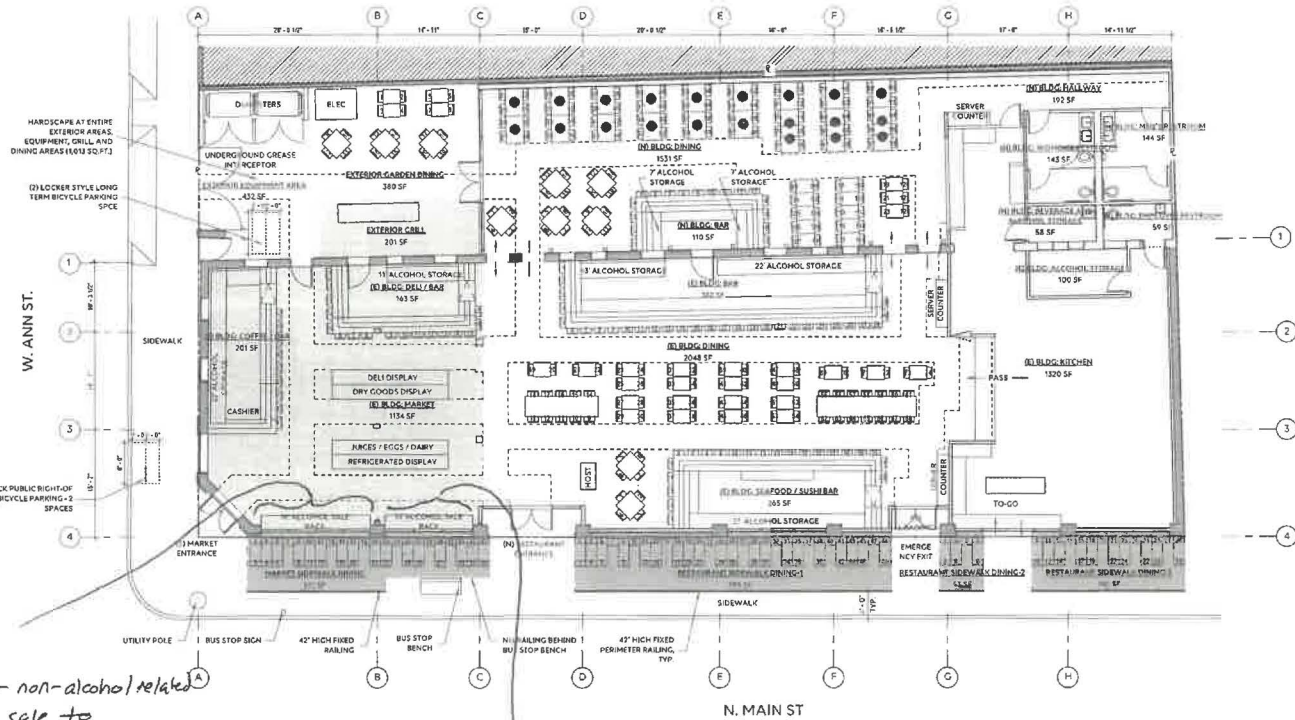
02.15.23

EXHIBIT - A

A-10

AREA SCHEDULE (CUP PLANS)			
NAME	AREA	ALCOHOL USE	SEAT COUNT
(1) BLDG. ALCOHOL STORAGE	100 SF	V	0
(1) BLDG. BAR	187 SF	V	50
(1) BLDG. COFFEE / BAR	107 SF	V	9
(1) BLDG. DELI / BAR	143 SF	V	17
(1) BLDG. DINING	2048 SF	V	74
(1) BLDG. KITCHEN	1320 SF	M	0
(1) BLDG. MARKET	1334 SF	V	0
(1) BLDG. SEAFOOD / SUSHI BAR	365 SF	V	22
(N) BLDG. BAR	110 SF	V	17
(N) BLDG. BEVERAGE AND ALCOHOL STORAGE	18 SF	V	0
(N) BLDG. DINING	1831 SF	V	124
(N) BLDG. ENTRY OVER RESTROOM	51 SF	M	0
(N) BLDG. HALLWAY	192 SF	V	0
(N) BLDG. MEN'S RESTROOM	144 SF	V	0
(N) BLDG. WOMEN'S RESTROOM	142 SF	V	0
EXTERIOR EQUIPMENT AREA	432 SF	N	0
EXTERIOR GARDEN DINING	180 SF	F	20
EXTERIOR GRILL	201 SF	F	0
MARKET SIDEWALK DINING	272 SF	V	22
RESTAURANT SIDEWALK DINING-1	296 SF	V	49
RESTAURANT SIDEWALK DINING-2	135 SF	V	8
RESTAURANT SIDEWALK DINING-3	198 SF	V	33
TOTAL INDOOR MARKET AREA	1498 SQ.FT.		
TOTAL INDOOR RESTAURANT AREA	6,332 SQ.FT.		
TOTAL INDOOR MARKET SEATS	24 SEATS		
TOTAL INDOOR RESTAURANT SEATS	247 SEATS		
GRAND TOTAL INDOOR SEATS	271 SEATS		
TOTAL OUTDOOR MARKET AREA	291 SQ.FT.		
TOTAL OUTDOOR RESTAURANT AREA	380 SQ.FT.		
TOTAL OUTDOOR MARKET SEATS	0 SEATS		
TOTAL OUTDOOR RESTAURANT SEATS	20 SEATS		
GRAND TOTAL OUTDOOR SEATS	20 SEATS		
TOTAL SIDEWALK MARKET DINING AREA	272 SQ.FT.		
TOTAL SIDEWALK RESTAURANT DINING AREA	619 SQ.FT.		
TOTAL SIDEWALK MARKET DINING SEATS	38 SEATS		
TOTAL SIDEWALK RESTAURANT DINING SEATS	79 SEATS		
GRAND TOTAL SIDEWALK SEATS	117 SEATS		
GRAND TOTAL PROPOSED SEATS	430 SEATS		

AREA LEGEND	
[Hatched Box]	RESTAURANT
[Dotted Box]	MARKET
[White Box]	SIDEWALK DINING



No alcohol sales in this area. Use for non-alcohol related products for sale to local community.  
*Jim Fong*  
 Associate Zoning Administrator  
 12/26/2023

**EXHIBIT "A"**  
 Page No. 2 of 2  
 Case No. 2A-2023-1517-CUB

Alcohol sales for off-site consumption are limited to this area.  
*Jim Fong*  
 Associate Zoning Administrator  
 12/26/2023

PH IR FIRST FLOOR PLAN  
 1/8" = 1'-0"