

Conditional Use Permit, CUB, CU

Chong & Jimmy Han ( A ) ( O )  
721 S. Tremaine Avenue  
Los Angeles, CA 90005

Woods, Diaz Group, LLC ( R )  
1142 S. Diamond Bar Blvd., #437  
Diamond Bar, CA 91765  
kingwoods@att.net

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**LAND USE INFORMATION:**

<b>PROPERTY ADDRESS:</b>	532 S Western Avenue
<b>AREA PLANNING:</b>	Central
<b>COMMUNITY PLAN:</b>	Wilshire
<b>ZONE:</b>	C2-1
<b>COUNCIL DISTRICT:</b>	CD 10
<b>LEGAL DESCRIPTION:</b>	Lots 129, 130, 131 of Kensington Place Extension; And, Lot 11, arb.1 & Lots 12, 13, & 14 of Kensington Place (MB 9-44)

***REQUEST:***

A Conditional Use Permit pursuant to the provisions of **Sections 12.24-W, 1** of the **Los Angeles Municipal Code** to permit the continuous sale of alcohol with an upgrade from beer and wine to a full line for on-site consumption in conjunction with an existing restaurant with two outside patio areas. Total seating will not exceed 115 patron which includes the 53 patio seats; and, a Conditional Use Permit pursuant to the provisions of **Section 12.24.W,27** having deviations from the Section 12.22 A 23(a)(1)(b) to allow hours of operation for alcohol sales are from 10:00 a.m. to 2:00 a.m. daily, in the C2-1.

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## **CONDITIONAL USE**

**[Alcoholic Beverages Sec. 12.24-W, 1]**

### **a. General Conditional Use**

- 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 existing restaurant is located within a culturally diverse and urban community. There are many restaurants, shopping centers, and entertainment facilities within the close proximity of the existing restaurant. The subject restaurant is located in an area well served by public transportation. There are major bus routes that serve Western Avenue with nearby Metro lines and other forms of transportation.

The existing restaurant occupies approximately 1,439 sq. ft of total area with the addition of two outside patio areas that add an additional 564 sq ft. The restaurant has been established at this location for several years and is well known as an asset to the community and has served alcoholic beverages at this location with no negative outcomes. The restaurant has been closed since Covid but will re-open when appropriate. The subject restaurant is appreciated by tourists, local business owners as well as their employees since it sits directly in the very vibrant and active Western Avenue in Koreatown. It has successfully created and maintained loyal patrons in the years of its existence. The continuation of the sale of alcoholic beverage consumption with an upgrade to a full line with the patio areas and all in conjunction with the use and maintenance of an existing restaurant is desirable at this location and will continue to be. The existing restaurant will continue to encourage the characteristics of the commercial and urban developments in this community.

The subject property is zoned for commercial uses, allowing the use by right. Patrons in this community often desire to offer their patrons choices that are commonly expected such as alcoholic beverage service. The property owners of the subject site have many other property ownerships in the local area and are financially as well as responsibly dedicated in the successful, responsible operations of all their properties. The project applicant/owner is seeking a conditional use permit to allow the upgrade to a full-line of alcohol beverages in conjunction with the existing restaurant and two outside patio areas. In light of these issues, the existing location is admirably suited and does promote to the community's convenience and economic well-being while enhancing the development of the community.

The existing project will provide a convenience to the area residents, business owners as well as community members in this vibrant neighborhood. To not grant an approval would be detrimental to the business owners and to the character of those who wish to prosper. The existing location is admirably suited for the

proposed project in that it promotes the community's convenience and economic well-being while enhancing the development of the community.

- ii. **That the project's location, site, 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 existing request is consistent and compatible with the commercial character along this portion of Western Avenue. The approval of the subject request will allow the subject use to continue to be economically viable and competitive with its neighbors, therefore, contributing to a larger extent to the tax base of the City. Adjoining properties on Western Avenue are zoned and developed similarly, and the immediate vicinity is developed with various interrelated commercial and residential uses. Thus, the subject project is consistent and harmonious with the adjacent or surrounding uses in that it promotes sound commerce, an improved aesthetic environment, and safety in the area. The applicant/owner and operator has an existing grant under ZA 2013-0572(CUB) which has been in compliance and is active. Therefore, the existing use with the request to upgrade to a full line is consistent and harmonious with the adjacent or surrounding uses in that it promotes sound commerce that enhances the character of the development in the immediate

- iii. **That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any other applicable specific plan.**

The properties along Western Avenue are classified as Neighborhood Office Commercial with corresponding zones of C1, C1.5, C2, C4, C5, RAS3, and RAS4 in the Wilshire Plan. The subject project is not located in any specific plan.

The request to allow the upgrade of the existing sale of beer and wine license to a full-line of alcohol beverages in conjunction with an existing restaurant and the two outside patio areas would not impair the integrity and character of the zone, which is designated for commercial uses similar to the subject project. Thus, the approval of this request will be in harmony with various elements and objectives of the General Plan.

## **b. Additional Findings**

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

The applicant/owner will continue to manage the subject use running the day- to day- operations of the site.; however, if need be, hire a manager to oversee the daily operations. The subject property is located in an area of high density that attracts patrons and local residents to the subject site. It will not adversely affect the adjacent community. The economic success of the proposed request is proper in relation to the surrounding neighborhood because it will continue to generate much needed tax dollars for the city. Therefore, the approval of this conditional use permit will not adversely affect the welfare of the community.

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

Although there may be an over concentration of alcohol sale within the Census Tract, this is an existing use that has been granted a Type 41 license which is active. This request is to allow for an upgrade to a full line. The site already has alcohol. Therefore, the approval of this request shall not be considered as an undue concentration of such.

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

There are residentially zoned or developed properties adjacent to the subject site. Nevertheless, all alcoholic beverage sales and consumption will be conducted entirely with respect to its neighbors. The applicant is the operator and is also the property owner of several lots adjacent to the subject site as well as several other properties in Koreatown and is a very responsible owner. There will be security lighting that will be directed away from any adjacent uses. The approval of this conditional use request then will not detrimentally affect any nearby residentially zoned properties.

**3. 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?** sq ft approximately.

**b. What is the total square footage of the space the establishment will occupy?** Approximately 1,439 square feet plus 564 square feet of outdoor patio areas.

**c. What is the total occupancy load of the space as determined by the Fire Department?** Will not exceed LAFD requirements.

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

**indoors?** 62 seats

**Outdoor?** 53

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

Existing Outdoor patio areas are proposed with this request and a full line of alcohol beverages is requested.

**f. If there is an outdoor area, is it on private or the public right-of-way, has a revocable permit been obtain?** It is located on applicants' property.

**g. Are you adding floor area?** yes **If so, how much is enclosed?** \_\_\_\_\_ **Outdoors** 564 sf ?

**h. Parking**

- (i) **How many parking spaces are available on the site?** See Plans
- (ii) **Are they shared parking or designated for the subject use?** The uses share the parking on the subject site which is in excess of the code.
- (iii) **If you are adding floor area, what is the parking requirement as determined by the Department of Building & Safety?** *N/A*
- (iv) **Have any arrangements been made to provide parking off-site?** *N/A*
  - 1. **If yes, is the parking secured via a private lease or covenant/affidavit approved by B & S?** *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 used? Will the service be for a charge?** Yes.
- i. **Is the site within 1,000 feet of any schools, churches or parks?** Please see the attached list.
- j. **For massage parlors and sexual encounter establishments, is the site within 1,000 feet of any other adult entertainment business as defined by LAMC 12.70 B17?** *N/A*

#### **4. 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?**  
The proposed hours of operation and alcohol sales will be as existing: from 10 a.m. to 2:00 a.m., seven days a week.
- b. **Will there be entertainment, such as a piano bar, live entertainment, movies, karaoke, video game machines, ect...?**  
No.
- c. **Will there be a minimum age requirement for entry and if so, what is the minimum age requirement and how will it be enforced?** No
- d. **Will there be any accessory uses on the site and if so, what will be sold?**  
No accessory use is on site for this use.
- e. **Security**

i. **How many employees will you have on the site at any given time?** An exact number is unsure at this time, restaurant is currently closed due to Covid.

ii. **Will security guards be provided? If so, how many?**  
No security guards will be provided unless otherwise required.

iii. **Has LAPD issued any citations or violations? If so, please provide copies.**  
No citations to the best of our knowledge have been issued on this site.

**f. Alcohol**

i. **Will there be beer & wine only, or a full-line of alcoholic beverages available?** Beer and wine is already active on-site; requesting a full line of alcohol beverages.

ii. **Will fortified wine (greater than 16% alcohol) be sold?** No fortified wine will be sold; unless Soju is requested which is characterized by the ABC ACT as allowed under the classification of “wine”.

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 signs will be visible from the exterior of the use.

**v. Food**

1. **Will there be a kitchen on the site?** Yes

2. **Will alcohol be sold without a food order?** Yes, the applicant will serve alcohol without a food order as this is a full-service establishment providing not only dining but entertainment.

3. **Will the sale of alcohol exceed the sale of food items on a quarterly basis?** Unsure since some full line of alcohol is expensive and may cause the sales to exceed food items.

4. **Provide a copy of the menu if food is to be served.** A menu will follow as soon as possible from the owner.

**vi. On-site**

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

Yes, there is a bar and there will be seating available to its patrons.

**2. Will off-site sales of alcohol be provided accessory to on-site sales (Take-out)?** No off-site alcohol sales will be offered.

**3. Will discounted alcoholic drink “happy Hour” be offered at any time?** At times, the applicant may want to offer happy hour to its patrons.

**vii. Off-site**

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

*N/A...No off-site sales.*

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

*N/A; no off-site sales will be allowed.*

**viii. Contact ABC regarding its requirements. N/A**

**5. Caldera Bill**

**a. Is this application a request for on-site or off-site sales of alcoholic beverages?** *This request is for On-site only.*

**i. If yes, is the establishment a bona-fide eating place or hotel/motel?** Yes this is a bona fide eating establishment that also provides entertainment.

**a. If no, contact CA Department of Alcoholic beverage Control (ABC) to determine whether the proposed site is located in high crime.** *N/A*

**b. If issuance would result in or add to an undue concentration.** Although there may be an over concentration of alcohol sale within the Census Tract, the existing use already has a Type 41 license issued by the Department of Alcoholic Beverage Control. This request is to upgrade to a full line.

**6. Additional Requirements**

*No other alcohol uses are on the subject site and no other prior conditional use permits are listed on the subject site per ZIMAS.*

### **CONDITIONAL USE PERMIT**

Commercial Corner/Mini Shopping Center [Sec. 12.24-W, 27]

- a. 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 existing restaurant is located within a culturally diverse and urban community. There are many restaurants, shopping centers, and entertainment facilities within the close proximity of the existing restaurant. The subject restaurant is located in an area well served by public transportation. There are major bus routes that serve Western Avenue with nearby Metro lines and other forms of transportation.

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The subject property is zoned for commercial uses, allowing the use by right. Patrons in this community often desire to offer their patrons choices that are commonly expected such as alcoholic beverage service. The property owners of the subject site have many other property ownerships in the local area and are financially as well as responsibly dedicated in the successful, responsible operations of all their properties. The project applicant/owner is seeking a conditional use permit to allow the continued sale and consumption of alcohol but with a full line of alcohol at the existing restaurant interior and in the two outside patio areas. In light of these issues, the existing location is admirably suited and does promote to the community's convenience and economic well-being while enhancing the development of the community.

The existing project will provide a convenience to the area residents, business owners as well as community members in this vibrant neighborhood. To not grant an approval would be detrimental to the business owners and to the character of those who wish to prosper. The existing location is admirably suited for the proposed project in that it promotes the community's convenience and economic well-being while enhancing the development of the community.



- b. That the project's location, site, 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 existing request is consistent and compatible with the commercial character along this portion of Western Avenue. The approval of the subject request will allow the subject use to continue to be economically viable and competitive with its neighbors, therefore, contributing to a larger extent to the tax base of the City. Adjoining properties on Western Avenue are zoned and developed similarly, and the immediate vicinity is developed with various interrelated commercial and residential uses. Thus, the subject project is consistent and harmonious with the adjacent or surrounding uses in that it promotes sound commerce, an improved aesthetic environment, and safety in the area. The applicant/owner and operator has an existing grant under ZA 2013-0572(CUB) which has been in compliance and is still active. Therefore, the existing use is consistent and harmonious with the adjacent or surrounding uses in that it promotes sound commerce that enhances the character of the development in the immediate area.

- c. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any other applicable specific plan.**

The properties along Western Avenue are classified as Neighborhood Office Commercial with corresponding zones of C1, C1.5, C2, C4, C5, RAS3, and RAS4 in the Wilshire Plan. The subject project is not located in any specific plan.

The request to allow the upgrade from the sale of beer and wine to a full line in conjunction with an existing restaurant and the two outside patio areas would not impair the integrity and character of the zone, which is designated for commercial uses similar to the subject project. Thus, the approval of this request will be in harmony with various elements and objectives of the General Plan.

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

The subject commercial corner development is not a new development, in fact, the building has been at this location for many years; however, planning has requested a CU. All of the appropriate plans required to build the subject use was approved by all required Departments with the City of Los Angeles including the design of the ingress and egress of the subject development. There have been no traffic congestions associated with the subject use or the current development of the site; therefore, no congestion should be an issue with this request.

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

As mentioned previously, the commercial corner development has already been developed on the subject site, therefore; this request will not contribute to any detrimental over concentration of such developments.

**f. Are you going to develop any or all of the following?**

- |  |             |
|--|-------------|
| <b>1. A drive-thru fast food establishment?</b>  | <u>No.</u>  |
| <b>2. A business open any time between 11 p.m. and 7 a.m.?</b>                                       | <u>Yes.</u> |
| <b>3. A multi-residential use?</b>   | <u>No.</u>  |
| <b>4. An amusement enterprise as enumerated in Sec. 12.14 A 3 of the Los Angeles Municipal Code?</b> | <u>No.</u>  |
| <b>5. An automobile laundry or washrack?</b>   | <u>No.</u>  |
| <b>6. A commercial swimming pool?</b>  | <u>No.</u>  |

**g. How many parking spaces are being provided?**

*There are two on-site parking lots owned by the applicant located adjacent to the site which provides 52 parking spaces. There are also 17 on-site spaces available.*

**h. What is the height and number of stories of the project?** *The use will be located in an existing one story building.*

**i. List all the uses to be included in the development their hours of operation, square footage of the total development to be occupied by each.**

<i>Existing restaurant Use</i>	<i>10:00 a.m. to 2:00 a.m.</i>
<i>approximately</i>	<i>1439 inside area+564 patio areas sq. ft. = 2,003 sf</i>

**j. Describe any security measures that will be taken to prevent loitering, theft, vandalism, etc.**

The existing development will provide security lighting. Management will work to prevent loitering or any criminal activity in and around the subject property as well as the owner and operator of the subject use.

**k. For drive-through fast food establishments submit plans showing points of ingress and egress, the location of speakers, driveways, and queuing lanes.**

*Not applicable*

**l. In addition, specify each and every requirement of Section 12.22 A 23 LAMC that cannot or do not comply with, and explain.**

*The subject project requires a Conditional Use Permit to deviate Commercial Corner Development/Mini Shopping Center Standard: to allow the hours of operation from 10:00 a.m. to 2:00 a.m. daily in conjunction with the existing use as required by the Planning Department.*

- Hours of Operation [Sec. 12.22 A 23 (a)(1)(b)]

*The hours of operation for the subject four restaurants will be from 10:00 a.m. to 2:00 a.m., seven days a week.*