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January 4, 2020

VT 1207, LLC (A) (O)
3045 Verdugo Road
Los Angeles, CA 90065

Christopher Manasserian (R)
Gonzales Law Group, APC
800 Wilshire Boulevard., Unit 860
Los Angeles, CA 90017

CASE NO. ZA 2020-1039-CUB
CONDITIONAL USE
1217 North Cypress Avenue
Northeast Los Angeles Planning Area
Zone : [Q]C4-1XL-CDO
D.M. : 147A217
C.D. : 1 – Gilbert Cedillo
CEQA : ENV-2020-1040-CE
Legal Description: Lot 135, Tract 303

Pursuant to California Quality Act (CEQA) Guidelines Section 15301, I hereby **DETERMINE:**

based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301 and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and,

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

a Conditional Use to permit the sale and dispensing of a beer and wine for on-site consumption in conjunction to an existing restaurant in the [Q]C4-1XL-CDO 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 Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the sale and dispensing of beer and wine for on-site consumption in conjunction to an existing 898 square-foot restaurant (Restaurante Tierra Caliente) with a maximum 20 indoor patron seats, and a maximum 6 outdoor seats in an 80 square-foot outdoor dining area surrounded by a 30-inch high enclosure fence. The number of seats shall not exceed the allowable occupant load as determined by Building and Safety.
8. Hours of operation shall be limited to 7:00 a.m. to 11:00 p.m., daily. Outdoor dining shall cease at 9:30 p.m. every night. No afterhours is permitted except for routine clean up. This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits from the City.
9. The establishment shall be maintained as a bona fide eating place (restaurant) with an operational kitchen, in accordance with the definition of such in the LAMC and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all time during operation hours.

10. 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.
11. No portion of the restaurant shall be deemed to be "private", for the purpose of dispensing alcoholic beverages to selected patrons.
12. There shall be no bar or lounge area upon the licensed premises maintained solely for the purpose of sales, service or consumption of alcoholic beverages. The main purpose and use of the facility shall always be a full-service restaurant.
13. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70. No conditional use for dancing has been requested or approved herein.
14. Dancing is prohibited. The applicant shall not accommodate, arrange or endorse any dancing features in any fashion.
15. This establishment is restricted from having private events at the location without prior approval from Los Angeles Police Department (LAPD) Northeast Area Vice Unit.
16. Any use of the restaurant 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.
17. No coin-operated electronic, video or mechanical games, or pool or billiard tables shall be maintained upon the premises at any time. Official California State lottery games and machines are allowed.
18. No live entertainment of any kind including, but not limited to, patron dancing live music, Disc Jockey, jukebox or karaoke nights is permitted.
19. The restaurant shall not be leased to promoters or music groups or similar entities for nightclub or concert activity at any time. At no time will the premises host raves, a dance club, or other similar events. There shall be no admission or cover charge at any time.
20. No pay phone will be maintained on the exterior of the premises.
21. 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.

22. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
23. Parking spaces shall be provided pursuant to LAMC Section 12.21-A.4,(c)(4).
24. The restaurant operator shall provide or arrange staff parking or alternative transportation as to minimize impacts on surrounding residential neighborhoods.
25. The applicant shall fully comply with all California State Department of Alcoholic Beverage Control (ABC) regulations governing the sale of alcoholic beverages for the restaurant.
26. **STAR/LEAD Training.** Within the first six months of already selling alcohol, 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. Upon completion of such training, the applicant shall request the LAPD to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter referencing Case No. ZA-2019-5849-CUB from the Police Department to the Department of City Planning as evidence of compliance. In the event there is a change in the licensee, within 3 months of such change, this training program shall be required for all new staff. The STAR training shall be conducted for all new hires within two months of their employment.
27. Prior to the utilization of this grant, an electronic age verification device shall be purchased and retained on the premises to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
28. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different and a notice shall be placed therein stating California State Law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and no such sales will be made.
29. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor 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.
30. The owner or the operator shall comply with California Labor Code 6404.5 which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices or hookah pipes, within any enclosed place of employment.

31. All guests and operators shall comply with smoking regulations set forth by the State of California and the City of Los Angeles.
32. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the State Department of ABC and the conditional use herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
33. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Additionally, a copy shall be provided to all employees who shall sign an acknowledgment form stating that they have read and understood all the ABC conditions as well as all the conditions of this grant. Said form shall be maintained at the location by the owner and/or manager who shall present it to Police personnel, ABC investigators or any other City agency upon request.
34. Staff will monitor the immediate vicinity in order to ensure that no public consumption of alcoholic beverages occurs. Staff will also be responsible to constantly monitor and ensure patrons do not take open alcoholic beverages for on-site and off-site consumption beyond the entrance doors onto the sidewalk.
35. The applicant, owner and on-site manager(s) shall comply with all applicable laws and conditions and shall properly manage the facility to discourage illegal and criminal activity on the subject premises and any accessory parking areas over which they exercise control.
36. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit, or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customer.
37. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
38. These conditions of approval as well as a copy of any Business permit, insurance information, security and any emergency contact phone numbers shall be maintained in the office at all times and produced immediately upon request of the Police Department, the Zoning Administrator, the Department of Building and Safety or other enforcement agency.

39. A copy of the conditions of this letter of determination shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety, the Department of City Planning, or the State Department of ABC.
40. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted outside of the subject facility. The applicant shall be responsible for ensuring persons are dissuaded from loitering on or immediately around the subject premises.
41. Prior to the utilization of this grant, a telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the entry, customer service desk, and front desk or near the hostess station visible to the public.
42. 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. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning.
43. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
44. Entertainment in conjunction with the restaurant is limited to ambient music to compliment the dining experience and shall be limited to background music at a low volume.
45. Any background music or other recorded ambient music shall not be audible beyond the area under the control of the applicant. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City inspector 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.
46. The establishment shall make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant, or any noise associated with the operation of the establishment, or equipment of the restaurant.

47. The petitioner(s) shall place legible signs on the exterior walls of the subject property alerting patrons to keep noise to a minimum, and to be respectful of the properties surrounding neighbors.
48. The owner/restaurant operator shall at all times maintain the abutting public access ways free of obstruction as well as maintaining the premises and adjoining sidewalk free of debris or litter.
49. Trash pick-up or business deliveries shall be conducted between the hours of 8 a.m. to 5 p.m. Monday-Friday, 10 a.m. to 5 p.m. Saturday-Sunday. Outside disposal of trash shall be conducted only between the hours of 9 a.m. to 9 p.m. daily.
50. Trash and recycling bins shall be locked. Trash deposit in the rear dumpsters shall be carried out quietly with respectful manner to the neighbors.
51. The applicant shall participate a parking lease or valet parking program to provide off-site parking should all two Conditional Uses (ZA-2020-1208-CUB and ZA-2020-1030-CUB) for alcoholic beverage services for the two abutting new restaurants are approved. The Zoning Administrator reserve the right to issue a subsequent Letter of Modification to amend a condition for off-site parking spaces through a parking lease or a valet service agreement.
52. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner 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.
53. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon his/her initiative, or upon written request by LAPD or ABC) reserves the right to initiate for a public hearing requiring

the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-I (Miscellaneous Plan Approval), the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

54. Should there be a change in the ownership and/or the operator of the business, the property owner, business owner, or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
55. 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, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the 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 this public hearing for nuisance abatement/revocation purposes.

56. **INDEMNIFICATION AND REIMBURSTMENT OF LITIGATION COSTS**

Applicant shall do 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, 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 judgements 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 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 the 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 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 this 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 a said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD – EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **JANUARY 19, 2020**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee,

a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.**

Public offices are located at:

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

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

West Los Angeles
 Development Services Center
 1828 Sawtelle Boulevard,
 2nd Floor
 Los Angeles, CA 90025
 (310) 231-2598

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on August 19, 2020, 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 under the provisions of Section 12.24-W,1 have been established by the following facts:

BACKGROUND

The subject property located along Cypress Avenue is comprised of three parcels totaling 11,910 of lot area and is currently improved with seven separate uses including retail, a liquor store, and the subject restaurant. The Northeast Los Angeles Map designates the property for Neighborhood Commercial with corresponding C1, CR, C1.5, P4, P5, C2, C4, and RAS3 zones. The project site is zoned [Q]C4-1XL-CDO, and thus consistent with the existing land use designation. The subject property is located within the East Los Angeles State Enterprise Zone and the Cypress Park and Glassell Park Community Design Overlay Zone.

The applicant is requesting a Conditional Use to permit the sale and dispensing of beer and wine for on-site consumption in conjunction to an existing 898 square-foot restaurant ("Restaurante Tierra Caliente") with 20 indoor seats and 10 additional exterior sidewalk dining seats with hours of operation from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and 7:00 a.m. to 1:30 a.m. Friday and Saturday. However, the applicant has modified the closing time to 11 p.m. daily, and reduced the outdoor seating to 6 seats.

Located in the same property are two additional concurrent Conditional Use requests under the same ownership as the subject property:

- The Conditional Use Permit (Case No. ZA-2020-1208-CUB) located at 1209 North Cypress Avenue is to allow the sale and dispensing for a full-line of alcoholic beverages for on-site consumption in conjunction with a new 1,059 square-foot restaurant with hours of operation from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and 7:00 a.m. to 1:30 a.m. Friday and Saturday.
- The Conditional Use Permit (Case No. ZA-2020-1030-CUB) located at 1215 North Cypress Avenue is to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a new 910 square-foot restaurant with hours of operation from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and 7:00 a.m. to 1:30 a.m. Friday and Saturday.

Properties to the north are zoned R1-1-CDO and [Q]C4-1XL-CDO with land use designations Low Residential and Neighborhood Commercial and improved with a one and two-story residential structures, and a one-story retail store. Properties to the east are zoned R1-1-CDO with a land use designation of Low Residential and improved with mainly one-story residential structures. Properties to the south are zoned [Q]C4-1XL-CDO-RIO and RD2-1-CDO-RIO with land use designations Neighborhood Commercial and Low Medium I Residential and improved with one and two-story residential structures and one-story commercial uses including a market, liquor store, retail store, and barber shop. Properties to the west are zoned [Q]C4-1XL-CDO-RIO and RD3-1-CDO-RIO with land use designations Neighborhood Commercial and Low Medium I Residential and improved with a one-story hair salon and one and two-story residential structures.

STREETS

Cypress Avenue, adjoining the property is designated as an Avenue I, with a Right-of-Way width of 100 feet and a Roadway width of 70 feet, and improved with asphalt roadway, concrete curb, and sidewalk.

Alice Street, adjacent to the property to the south east is designated as Local Street-Standard, with a Right-of-Way width of 60 feet and a Roadway width of 36 feet, improved with asphalt roadway, concrete curb, and sidewalk.

Granada Street, adjacent to the property to the south west is designated as Local Street-Standard, with a Right-of-Way width of 60 feet and Roadway width of 36 feet, improved with asphalt roadway, concrete curb, and sidewalk.

Previous Cases, Affidavits, Permits, and Orders on the Applicants Property:

Case No. ZA-1988-1261-CUB: no description found

Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties (since 2010):

N/A

PUBLIC CORRESPONDENCE

Councilmember Gibert Cedillo of First Council District submitted a letter of concern on August 11, 2020, for the above reference request as well as the two additional adjoining Conditional Use Permits to allow the sale and dispensing of alcoholic beverages for on-site consumption.

Councilmember Gilbert Cedillo submitted a subsequent letter on August 19, 2020, indicated that the sale of alcoholic beverages at the three proposed contiguous restaurants during daytime hours will have the potential to impact school age children given that Aragon Elementary is located within 500' of the subject restaurants and during evening hours, would disrupt the enjoyment of peace and quiet of the residents on the abutting residential streets. The letter noted that given that the older buildings do not provide on-site parking, LAPD shares the concern that customer vehicles potentially parking on adjacent residential streets impacting the limited availability of public street parking.

OPPOSITION:

Approximately 20 email communications were received in opposition to the requested action from residents on residential streets adjacent to the subject site. The following is a summary of the emails:

- The subject site is located within five hundred feet of Aragon Avenue Elementary and Cypress Park Public Library which are sensitive uses attended by children. The sale of alcoholic beverages on the subject restaurants in close proximity to the public school and library would not be beneficial and would negatively impact school children. Children must walk along the proposes restaurants on their way to and from school, the library and local churches.
- The subject site is also in close proximity to churches: Sung Sam Korean Catholic Church and Templo Bethel Assemblies of God.
- The sale of alcoholic beverages will increase public intoxication in the area.
- There is no on-site parking for any of the restaurants and there is not enough street parking for residents on the adjacent residential streets (Alice and Granada Streets). Street parking is congested, and it is very difficult for residents to find street parking. The three proposed restaurants contain 124 seats and patrons will be required to park on residential streets and displace parking for residents.

- Parking will be an issue in the surrounding area as there is already difficulty finding parking spaces for residents in the area.
- The restaurants hours until 1:30 a.m. will displace parking and generate traffic into early morning hours. Residents will have no place to parking in the evenings and patrons parking on residential street will make noise and loiter until 2:00 a.m.
- Increased traffic by people visiting from other areas.
- This is a very family-oriented neighborhood and the proposed hours of operation until 1:30 a.m. with a full line of alcoholic beverages is not consistent with a family-oriented restaurant.
- Greater Cypress Park Neighborhood Council does not support the project.

SUPPORT:

Approximately 16 email communications or letters were submitted in support of the proposed project as follows:

- The applicant has donated much needed storage space to nonprofit organization to accept essential items for the local unhoused neighbors.
- The projects are much needed investments and employment to the local neighborhood and bring more engagement among residents and neighbors.
- The project brings improvement and revitalization to the aged commercial building and will be beneficial to the community.
- Tierra Caliente has been in business for about 7 years and it is a staple in the community and supported by the local residents. The existing restaurant is a family-owned business with a good reputation.
- Beer and wine are vital to support small local restaurant businesses. The restaurant will be able to attract more customers in the community with the sale of beer and wine.
- Allowing the sale of beer and wine will help generate more income for the existing restaurant.
- The community is in need of more dining options in the area within a close walking distance to the nearby residential areas as there is a limited selection of restaurants in the area.
- Outdoor seating is reasonable as it is minimizing viral transmission of illnesses.

PUBLIC HEARING

A Notice of Public Hearing was sent to property owners and/or occupants within 500-feet from the subject site for which an application as detailed below 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 or present testimony regarding the project. All Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The hearing was held on Wednesday, August 19, 2020 at approximately 10:10 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the hearing was conducted entirely telephonically.

The applicant provided the following comments:

- The project is a revitalization of existing tenant spaces with three family-oriented restaurants, which including one existing restaurant – Tierra Caliente with a beer and wine request, and two new restaurants that one will serve beer and wine while the other will serve a full-line of alcoholic beverages.
- All three tenant spaces are considered as small restaurants.
- Tierra Caliente is 898 square-feet, the new restaurants are 910 square-feet (beer and wine) and 1,059 square-feet (full-line)
- There is a clear misconception among the community members perceiving the proposed restaurants as brewery and bar, which is far from the truth.
- The applicant would like to modify the requested hours in the following: 7 a.m. to 11 p.m. Sunday through Thursday, and 7 a.m. to 12:00 a.m. Friday and Saturday.
- These business hours are consistent with the City Planning Commission recommended hours for the Restaurant Beverage Program, which allows administrative sign-off for restaurant alcoholic beverage services.
- The existing building was constructed to the lot line many years ago, which provides no on-site parking spaces, and the no new parking space is required.
- The applicant has been working with nearby property owners who have parking lots. Many patrons use ride share services and they can be dropped off in front of the restaurants.
- The revenue stream for current restaurants by alcoholic beverages has become vital.
- There is no dancing and live entertainment in any of the establishments. Only ambient indoor music and no outdoor music playing.
- There is no over concentration of alcohol sales in this Zip Code.
- The applicant met with LAPD and the Cypress Park Neighborhood Council; the Neighborhood Council was not able to make a recommendation.

Ramona Barajas:

- She was born and grown up in the neighborhood.
- There is a brewery across the street as well as other site-down eateries.
- Alcohol use equals to more drunk drivers and accidents.
- The Neighborhood Council denied the project as it is near a school, church, library, and families.

- The project has no parking space, everyone struggles to find parking. No parking lots around other than the library and school properties.

Alejandra:

- A children's hospital is in this community, it is a public health issue.
- Family restaurants without alcoholic service are the best.
- The building already has an existing license.

Luis Rochgly :

- He owns a property on Alice Street.
- A lot of properties were developed like the subject property which have no parking available because of train tracks.
- He is against liquor and beer since there is a concentration.
- There is already a license for the building.
- People drinking make loud noises and he could not sleep.

Shawn:

- He has a studio at Division Street and Cypress Street.
- The area is filled with production studios operating 24 hours / 7 days a week.
- There is a deep lack of sense of place, which need more restaurants.
- He produces 1,000 or more events and has no issue making parking arrangements.

Lake Lopez:

- The project is within 600 feet of schools.
- He likes the business but is against alcohol.

First Council District:

- The Council Office met with LAPD Vice and both have concerns with he proposed business hours.
- The operation during school hours is a potential problem.
- The evening operation also may cause a parking problem in the surround family oriented residential neighborhood.
- Public safety and parking issues must be addressed.
- The Councilmember has submitted letters on the matter.

Lizzet:

- She is a long-term resident of Cypress Park.'
- She agrees with other residents that they do not want these licenses.
- There are more than enough liquor businesses here.

Ramiro:

- He submitted a map showing business with alcohol services.
- There are 13 active licenses in Cypress Park.

- Three are close to the library and church.
- Issues with drunk drivers.
- Ride-share apps may not continue to work in California.

Crystal:

- She is long-term resident of Cypress Park and she agrees with everyone.
- There will be 44 seats combined outdoor, how will noise pollutant be controlled?
- Areas close to the Los Angeles River at the boundary of Cypress Park to offer parking is not an equitable comparison.
- People can get late night food from Highland Park.
- This is family-oriented neighborhood.

Juan:

- He has lived in the neighborhood for 20 years.
- The project has no taking safety and parking into consideration.
- Alcohol threats safety.

Yolanda:

- She is a 40-year resident in the neighborhood.
- The business hour is the first concern, what types of customer?
- Cars double park in the street all the time. Will the customers take parking from schools?
- There is a liquor store already.
- She does not want Cypress Park to be the next Highland Park.

Coria:

- She lives in Cypress Park, and she agrees with other speakers.
- Tenant spaces used to be retail services, but former tenants were displaced due to rents.
- Opening businesses in a pandemic is a personal choice.
- She worries about the community.

Javier Lopez:

- He lives on Alice Street, half block up from the project site.
- Ladies Zumba class in the morning from 8 a.m. to 10 a.m. cause parking halfway up on the block.
- If the restaurants are all full, parking will be very difficult.
- The liquor store down the street made the parking worse.

Manuel:

- He lives close by on Alice Street.
- He is in favor of the project and he wants to provide different perspective.
- He sees open containers on streets. Restaurants serves legal drinks, and they will clean them up.
- There is only King Taco offers food at late night.

Shannel:

- She opposes the project because it will not improve the quality of life and it would only add to the detriment.
- There are vehicle break-ins.
- Dining out should be avoid during COVID-19 period.

Alexis:

- She lives near Cypress Park, and she agrees with the previous comment.
- Liquor is detrimental to safety and the overall feel of the neighborhood.
- Highland Park and other areas have people staying out late at night sitting on sidewalks while getting drunk.
- The project is in a proximity to schools and churches.
- Do not push people to another community (???)

A speaker (provided no name):

- The speaker was born and raised in Highland Park and is against the item.
- People had to deal with liquor licensees in Highland Park, in which people were found urinating on sidewalks.

A speaker (provided no name):

- The speaker lives next door on Alice Street.
- Cars park in library lot, so much problem with parking.
- Pre-school and elementary school are within 100 feet from the project.

Mike:

- He lives in Cypress Park.
- Liquor brings crime and affect safety and children.
- There will not be affordable prices, the project will only add to the real estate hype.
- The project does not make sense at the time of Covid-19 as well as near Los Angeles River.

Brandy:

- She lives in Cypress Park all her life.
- Cypress Park is a sleepy town and near Los Angeles River.
- Studios do not accommodate their own people.
- There are people passed out at liquor store.
- Homeless people scatter from outside which was never seen before the pandemic.

A speaker (provided no name):

- He lives by Nightingale Middle School for 60 years.
- Children have field trips.
- This is not a commercial area. The project brings noise, parking problem, and drunk drivers.

Jessica Ramos:

- She is a long-time resident.
- This project adds something that residents do not want which is three liquor licenses located together.
- Government must have the best intention for the community in mind.

Joe Robles:

- He is a 50-year resident in the neighborhood, and he agrees with everyone.
- He has helped drunk drivers with accidents.
- Commercial businesses are not for outsiders.

Jaqueline:

- She opposes the project.
- She walks around Nightingale Middle school area.

Jessica:

- She opposes the project as it is near education centers which sends a wrong message to the community.
- This is a residential community, if someone wants nightlife, go to Downtown Los Angeles.

A speaker (provided no name):

- The speaker lives in the neighborhood for 30 years.
- The speaker supports all three restaurants with alcoholic beverage services.

A speaker (provided no name):

- The speaker lives in the neighborhood.
- Restaurants would be okay if they do not operate too late into nights.
- The area is already vibrant, people party and split into streets, and being loud.
- There are assumptions about outsiders into the neighborhood, but everyone lives and works here and is a part of this diverse neighborhood.
- Racism.

A speaker (provided no name):

- The speaker is a Cypress Park resident.
- The speaker fully supports the project.
- The restaurant will control the alcoholic beverage services.

A speaker (provided no name):

- The speaker is a Cypress Park resident and grew up in the neighborhood.
- Parking is already a problem.
- Family-owned restaurants do not need alcoholic beverage services.
- There was a hit and ran at the intersection near the project ten years ago.
- The speaker opposes the project.

Applicant and the owner of Tierra Caliente's final comments:

- The applicant understands excessive drinking leads to a ruckus.
- No evidence that restaurant operation leads to drunk driving.
- Tierra Caliente will further reduce the business hours and closes at 11 p.m. which will be more restrictive than the Restaurant Beverage Program.
- The applicant stated that the two new restaurants will also reduce the business hours and close at 11 p.m.
- Sidewalk dining must be separated.
- Neighborhood Council did not deny the project. Only the motion to deny was failed.
- The owner of Tierra Caliente stated that her restaurant has been in the community for six years, and she wants to stay in the community for the long run to give customers options to have beer and wine in order to stay afloat.
- Her lease agreement ends in 2023.
- She understands the concerns of the community. She wants her business to be positive and grow.

Zoning Administrator's Note: The Associate Zoning Administrator, Fernando Tovar, was the assigned the Zoning Administrator who heard the case, and he took the project under advisement for a further review. However, Zoning Administrator Tovar retired on November 6, 2020, before he was able to issue the determination.

The project was reassigned to Associate Zoning Administrator, Jack Chiang, to complete the issuance of the determination. The above hearing testimonies was typed from Mr. Tovar's handwritten hearing notes to the best of its accuracy.

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

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

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

- The beer and wine service shall be limited to hours between 11:00 a.m. to 11:00 p.m.

- The beer and wine on-site sale and consumption are only limited to indoor dining area. Beer and wine service is prohibited to be conducted at the outdoor dining area to outdoor seats.
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- No "Happy Hour" type of reduced-price alcoholic beverage shall be allowed at any time when sold individually. However, the restaurant may offer beverages at a discounted price when it is sold in combination with a food item.
- There shall be no minimum drink required of patrons.
- The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
- The sale of on-site alcohol shall be incidental to the sale of food.
- 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.
- 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.
- Fortified wine (greater than 16% alcohol) shall not be sold.
- There shall be no sale of wine by the bottle or storage of any bottle for future consumption.
- The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
- No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverages from any customer while in the premises.
- No person under 21 years of age shall sell or serve alcoholic beverages.
- Any alcoholic beverages sold or dispensed for on-site consumption shall be served at tables or sit-down counters by employees of the restaurant.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use plan approval process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for sale of beer and wine on-site consumption to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

CONDITIONAL USE FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

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

The subject property located along Cypress Avenue is comprised of three parcels totaling 11,910 of lot area and is currently improved with an existing one-story commercial building containing eight tenant spaces with commercial and retail uses including a liquor store and the subject restaurant. The Northeast Los Angeles Map designates the property for Neighborhood Commercial with corresponding C1, CR, C1.5, P4, P5, C2, C4, and RAS3 zones. The project site is zoned [Q]C4-1XL-CDO, and thus consistent with the existing land use designation. The subject property is located within the East Los Angeles State Enterprise Zone and the Cypress Park and Glassell Park Community Design Overlay Zone.

The subject project Restaurante Tierra Caliente, is located at a corner tenant space abutting to an alley, which has been in operation for the last six years. The applicant, is requesting a Conditional Use Permit to allow the sale and dispensing of beer and wine for on-site consumption in conjunction to an existing 898 square-foot restaurant with 20 indoor seats and 10 additional exterior sidewalk dining seats with hours of operation from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and 7:00 a.m. to 1:30 a.m. Friday and Saturday. However, the applicant has amended its application verbally to modify the daily closing time to 11 p.m. and reduced the outdoor seats to 6 seats, which the Zoning Administrator further imposed an indoor dining closing time at 11 p.m. daily, and 6 outdoor seats to cease dining at 9:30 p.m. daily to ensure no potential late-night nuisance. The subject Conditional Use is under review at the same time with two other Conditional Use requests for two new restaurants in two adjacent tenant spaces in the same commercial building on the subject property:

- The Conditional Use Permit (Case No. ZA-2020-1208-CUB) located at 1209 North Cypress Avenue is to allow the sale and dispensing for a full-line of alcoholic beverages for on-site consumption in conjunction with a new 1,059 square-foot restaurant with hours of operation from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and 7:00 a.m. to 1:30 a.m. Friday and Saturday.

- The Conditional Use Permit (Case No. ZA-2020-1030-CUB) located at 1215 North Cypress Avenue is to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with a new 910 square-foot restaurant with hours of operation from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and 7:00 a.m. to 1:30 a.m. Friday and Saturday.

Based on the review of the records in the subject file and the public hearing testimonies, the Zoning Administrator opines that Restaurante Tierra Caliente's Conditional Use application should not be adhered to the same level of scrutiny as the two other Conditional Use application for the two new adjacent restaurants. The other two projects are new proposals and residents have concerns on their unpredicted impact to the neighborhood, however, the subject applicant has been in business for six years in the Cypress Park Community already which has established its defined operation, mode and character, and clearly it is not a brewery and bar as many members of public have mistakenly stated in the submitted opposition emails to the case file.

In addition to the case file record, the Zoning Administrator has also thoroughly reviewed the subject restaurant's YELP website reviews and photographs and determined that the Restaurante Tierra Caliente is a bonafide restaurant based on its menu, food served, and its dining room layout. The YELP reviews also shows the patrons of the restaurant are local residents from the Cypress Park neighborhood, which shown Restaurante Tierra Caliente is clearly not a regional designation eating establishment that would attract food enthusiasts from outside of the community. The subject application is merely a beer and wine beverage addition to the menu which would not increase the parking demand as the subject restaurant has been in operation for the last six year resulting an established environmental and parking condition. The Conditional Use Permit will allow Restaurante Tierra Caliente to expand their services by introducing the beer and wine service for on-site consumption and will allow the restaurant to continue to offer a beneficial dine-in experience in which local residents can enjoy an authentic Mexican dish.

Further, the project does not propose any new construction or the expansion of floor area. The Zoning Administrator has imposed 56 conditions to regulate the operation of the restaurant particularly on the alcoholic beverage service, private events, staff training (STAR), security, noise, loitering, site cleaning, on-site supervision, verification and inspection, and possible Plan Approval to curtail and address any concerns that community members have on the public drunkenness. Additional 16 conditions are being recommended to the California State ABC to regulate the sales and the service of the alcoholic beverages including no drinking on the sidewalk and that the beer and wine shall be consumed only with the food. These conditions are standard Citywide in addressing and rid of adverse effect of on-site alcoholic beverage consumptions. With strict adherence to the imposed conditions and under proper management and supervision, the subject restaurant will continue to be an amenity to Cypress Park.

Also, according to various economic reports on small businesses and restaurants, thousands of small businesses Nation and State wide have suffered financially and are closed permanently due to the COVID-19 pandemic. Coupled with the increased State minimum wage starting in Year 2021, these small local businesses will not reopen again, resulting permanent neighborhood-based jobs, economic activities, amenities, and investment lost. What is left is empty and vacant commercial tenant spaces and store fronts. Resident commenters who stated in the public hearing that they do not want outsiders to come into their neighborhood to dine would ultimately be outsiders themselves seeking eateries in neighboring communities when local businesses in Cypress Park shut down gradually if local businesses are not preserved and protected together by the local residents and the City. Therefore, this grant is necessary and it will allow the subject restaurant to continue to enhance the environment of the surrounding neighborhood and provide a benefit to the community.

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

The subject property located along Cypress Avenue is comprised of three parcels totaling 11,910 of lot area and is currently improved with seven separate uses including retail, a liquor store, and the subject restaurant. The Northeast Los Angeles Map designates the property for Neighborhood Commercial with corresponding C1, CR, C1.5, P4, P5, C2, C4, and RAS3 zones. The project site is zoned [Q]C4-1XL-CDO, and thus consistent with the existing land use designation. The subject property is located within the East Los Angeles State Enterprise Zone and the Cypress Park and Glassell Park Community Design Overlay Zone.

Properties to the north are zoned R1-1-CDO and [Q]C4-1XL-CDO with land use designations Low Residential and Neighborhood Commercial and improved with a one and two-story residential structures, and a one-story retail store. Properties to the east are zoned R1-1-CDO with a land use designation of Low Residential and improved with mainly one-story residential structures. Properties to the south are zoned [Q]C4-1XL-CDO-RIO and RD2-1-CDO-RIO with land use designations Neighborhood Commercial and Low Medium I Residential and improved with one and two-story residential structures and one-story commercial uses including a market, liquor store, retail store, and barber shop. Properties to the west are zoned [Q]C4-1XL-CDO-RIO and RD3-1-CDO-RIO with land use designations Neighborhood Commercial and Low Medium I Residential and improved with a one-story hair salon and one and two-story residential structures.

The subject property is zoned and developed in a manner consistent with both the City's desired land use designation for the site and the surrounding area. The existing restaurant and retail use with the sale and dispensing of beer and wine for

on-site consumption is compatible with the designated land uses. The project is further compatible with the function of Cypress Avenue as a commercial boulevard and is a desirable use for the location.

No new construction for the subject property is proposed and there are no changes in any existing physical conditions or significant features, including parking. Thus, the project will not have any additional adverse impacts over the existing use and will be compatible with adjacent properties and the surrounding community. As conditioned herein, the continued operation of the facility will not adversely affect or degrade the neighborhood or 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 elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the LAMC. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use element of the City's General Plan divides the City into 35 Community Plans. The subject site is located within the Northeast Los Angeles Community Plan with a land use designation Neighborhood Commercial. The restaurant and retail use and the sale and dispensing of beer and wine alcoholic beverages are consistent with this zone and land use designation.

The subject property is located in the [Q]C4-1XL-CDO zone with a land use designation of Neighborhood Commercial within the Northeast Los Angeles Community Plan. The Northeast Los Angeles Community Plan text is silent in regards to alcohol sales. In such cases, the Zoning Administrator must interpret the intent of the Plan. The Northeast Los Angeles Community Plan serves to address a number of issues and opportunities present in the area and recognizes the importance of retaining a viable and vibrant commercial sector. The restaurant use is consistent with this zone and land use designation. Additionally, the project is consistent with the following objectives and policies of the Community Plan:

Goal 2 Strong and competitive commercial areas that suitably serve the needs of the community and attracts customers from outside the plan area by satisfying market demand and maximizing convenience and accessibility while preserving unique historic and cultural identities of each commercial area.

Objective 2-1 To conserve and strengthen potentially viable commercial areas in order to stimulate and revitalize existing businesses and create opportunities for appropriate new commercial development.

- Policy 2-1.1 Protect commercially planned/zoned areas, from residential-only development.*
- Objective 2-2 To enhance the identity and appearance of commercial districts.*
- Policy 2-3.1 Encourage the formation of pedestrian-friendly shopping environments.*

The project will enable an existing and established authentic Mexican restaurant to expand their services as an eating place by introducing the sale and dispensing of beer and wine for on-site consumption. Thus, the project furthers the function and identity of Cypress Avenue a neighborhood commercial corridor in the Northeast Los Angeles Community Plan Area and contributes to the preservation of the area as there are no sustainable changes to the project. The project maintains an existing and desirable commercial service within an existing area designated for such uses. The project will also involve the addition of an outdoor 140 square-foot sidewalk exterior seating area that will enhance and beautify the appearance of the restaurant and the sidewalk. The project maintains an existing and desirable commercial pattern of zoning and land use that is consistent and compatible with other properties and uses in the surrounding neighborhood. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and Community Plan.

ALCOHOLIC BEVERAGES FINDINGS

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

The Conditional Use permit to allow the sale and dispensing of beer and wine for on-site consumption will not adversely affect the welfare of the community. The subject property is zoned [Q]C4-1XL-CDO, which allows for commercial uses. The subject site along Cypress Avenue enhances the character of the area and provides a unique dining option that is walking distance for the surrounding neighborhood and visitors in the area. As elaborated in Finding No. 1, the subject restaurant is a fondle restaurant which its patrons are also the members of local residents. The project has been in operation for the last six years and has proven that it is not a brewery or a bar that will dispense excessive alcoholic beverages. No evidence suggests or proves the granting of on-site beer and wine consumption associated with the subject restaurant would have correlation to driving under influence of alcohol or public drunkenness. Customers of the subject restaurant are mostly from the neighborhood who are likely to walk or bike to the restaurant. The parking demand for the restaurant operation has also been established which adding beer and wine to its menu would have negligible or no effect on the existing parking demand.

The subject grant is only to permit the on-site consumption of beer and wine associated with a small restaurant. Patrons are not permitted to remove beer and wine beverage from the premises. The restaurant operator and staff will also monitor excessive drinking and enforce that no alcoholic beverages shall leave the site so to assure that there will be no public drinking or public drunkenness in the surrounding areas which would result from its restaurant operation. Recommended conditions to California State ABC also includes a condition prohibiting the consumption on the sidewalk in the outdoor dining area, thus there will be no drinking of alcoholic beverage in the public areas and no consumption will be seen by the members of public when passing by the restaurant storefront, or further adversely affecting the nearby schools, churches, and library.

Conditional authorization for the sale of beer and wine for on-site consumption and the is allowed through the approval of the Zoning Administrator, subject to certain findings. Given the scope of the conditions and limitations established herein, the surrounding land uses will not be significantly impacted by any of the proposed conditional uses. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of 56 Zoning Administrator conditions requiring responsible management and deterrents against loitering, as well as 16 recommended California State ABC conditions. Employees will undergo training on the sale of alcoholic beverages, including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers Program. Additionally, other conditions related to excessive noise, noise prevention, and litter will safeguard the residential community. Therefore, will the imposition of such conditions, the sale and dispensing of a beer and wine at this location will not adversely affect the welfare of the pertinent community. The existing restaurant will continue to positively impact the financial health of the property and improve the economic vitality of the area via increased tax revenue.

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

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, there are no other on-site and off-site consumption licenses allocated to the subject census tract (Census Tract 1853.10).

Within 1,000 feet from the subject site there is one other alcohol-selling establishment. The establishment is Cypress Liquor with a Type 21 Off-Sale General alcohol license from the California Department of ABC.

According to statistics provided by the Los Angeles Police Department's Central Los Angeles Division Unit, within the Crime Reporting District. 1178, which has jurisdiction over the subject property, a total of 59 crimes and arrests were reported in 2019, including 50 for Part I Crimes and 9 Part for II Arrests, compared to the Citywide average of 170 crimes and arrests, and compared to the High Crimes average of 204 crimes for the same reporting period.

Alcohol-related Part II crimes reported by LAPD include, Narcotic Drug Laws (1), Liquor Laws (0), Public Drunkenness (1), Disturbing the Peace (0), Disorderly Conduct (0), and Driving Under the Influence (0).

The existing restaurant is 898 square-feet and will have food service throughout all hours of operation, therefore the approval of the subject Conditional Use will not provoke a higher crime rate. In this case, the project will both provide a unique amenity to workers, visitors, and residents. The project will also continue to enhance the physical environment and, as conditioned, will not negatively impact the area. As a restaurant operation will incidental sales of alcoholic beverages, the project alone is unlikely to have a significant impact on local crime. The Zoning Administrator has also incorporated numerous operational conditions to the grant that address noise, safety, and security to ensure the proposed use is conducted with due regard for surrounding properties and to reduce any potential crime issues or nuisance activity. Therefore, the granting of the request herein will not result in undue concentration.

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

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

Sensitive Uses

Templo Bethel Assemblies of God Church	1145 Cypress Avenue
Aragon Avenue Elementary School	1118 Aragon Avenue
Cypress Park Head Start Preschool	1145 Cypress Avenue
Cypress Park Public Library	1150 Cypress Avenue
Sung Sam Korean Catholic Center	1230 San Fernando Road

Alcohol Uses

1207 Cypress Avenue

Cypress Liquor

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

ADDITIONAL MANDATORY FINDINGS

7. The National Flood Insurance Program rate maps, which are 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 a 500-year Flood Zone.

Inquiries requiring this matter shall be directed to Stephanie Escobar, Planning Staff for the Department of City Planning at (213) 978-1492.



JACK CHIANG
Associate Zoning Administrator

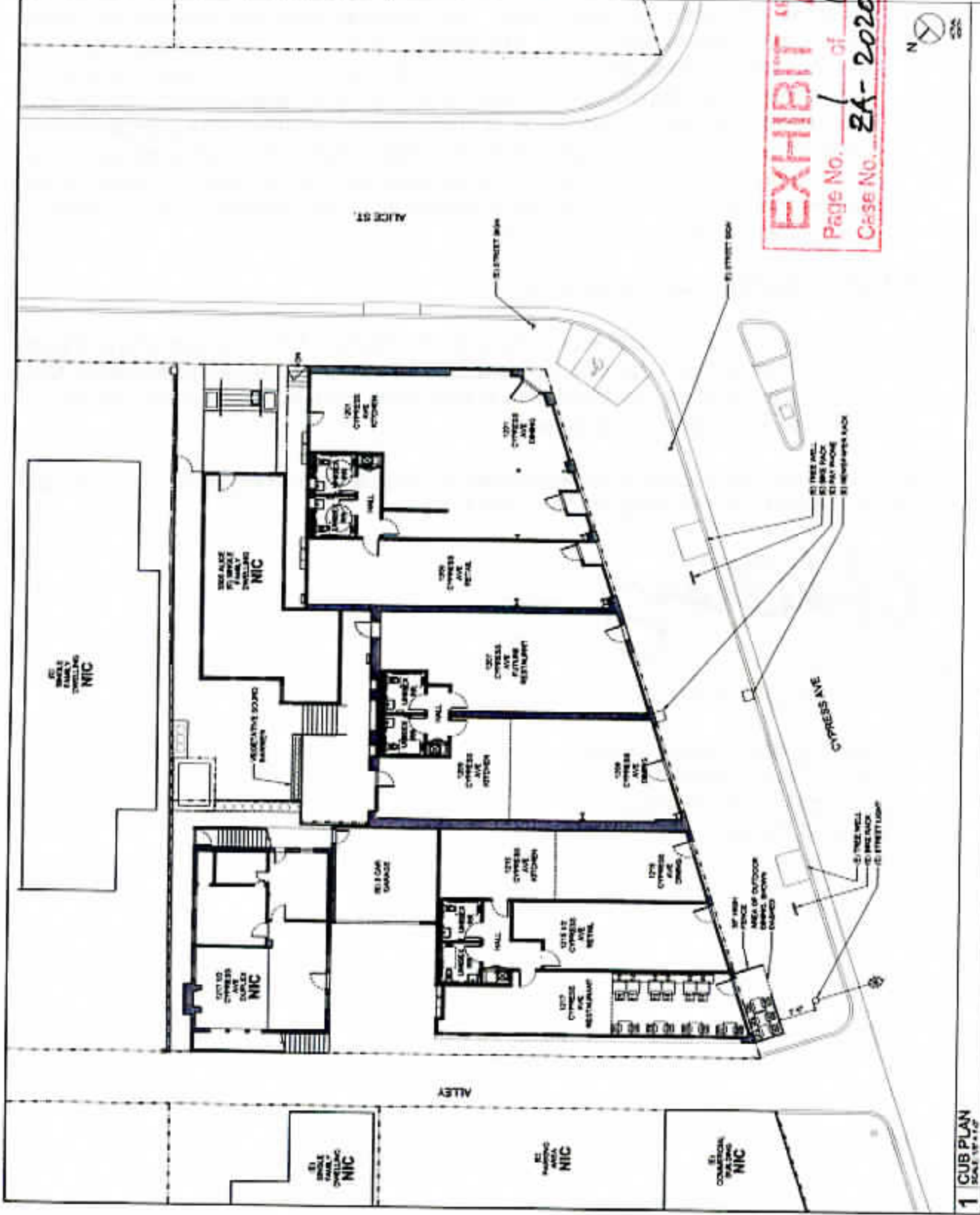
Cc: Councilmember Gilbert Cedillo,
First Council District
Adjoining Property Owners
Interested Parties



PROJECT SUMMARY
 ADDRESS: 1217 CYPRESS AVE
 LOT: 1217 CYPRESS AVE
 ADDRESS PARCEL NUMBER: 1217 CYPRESS AVE
 PARCEL AREA: 11,911 SF
 ZONING: M-1
 INTERIOR FINISHES: 1217 CYPRESS AVE
 ALCOHOL STORAGE: 1217 CYPRESS AVE
 RESTROOMS: 1217 CYPRESS AVE
 MEETING ROOMS: 1217 CYPRESS AVE
 OFFICE: 1217 CYPRESS AVE
 STORAGE: 1217 CYPRESS AVE
 AREA OF ALCOHOL USE: 1217 CYPRESS AVE
 INTERIOR FINISHES: 1217 CYPRESS AVE
 RESTROOMS: 1217 CYPRESS AVE
 MEETING ROOMS: 1217 CYPRESS AVE
 OFFICE: 1217 CYPRESS AVE
 STORAGE: 1217 CYPRESS AVE

EXHIBIT "A"
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CUB



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



COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020

Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. **Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment.** On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

- City Planning staff will follow up with the Appellant via email and/or phone to:
- Confirm that the appeal package is complete and meets the applicable LAMC provisions
 - Provide a receipt for payment